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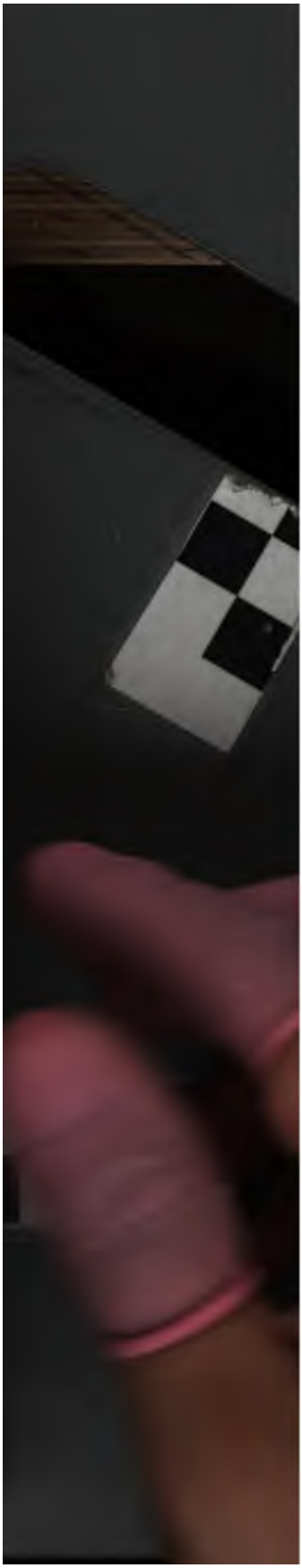

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America and the Canal Title

OR

An examination, sifting and interpretation of the data bearing on the wresting of the Province of Panama from the Republic of Colombia by the Roosevelt Administration in 1903 in order to secure title to the Canal Zone

BY

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DEDICATED

TO

JOHN FREEHOFF

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PREFACE

In this book the writer shows that the Roosevelt Administration in 1903 collaborated with a

ERRATA

Page 108, line 15, for 1913 read 1903.
Page 110, line 3, for 1913 read 1902.
Page 193, line 9, insert "it" between "interrupt" and "in."

proceedings, instituted by the New York *World* on the Isthmus while preparing its defense for libel in an action brought against it by the Federal Government. It is, therefore, sworn testimony in part wrenched from unwilling witnesses in a

court of record. This testimony corroborates the inferences suggested by official documents published by our Government.

It is the mature judgment of the writer that in the conferences between the Roosevelt Administration and the separatists the following were the important provisions that were agreed to:

1. The separatists were to persuade ($, $) the military and political representatives of Colombia on the Isthmus to coöperate in the secession of the Province of Panama, and, in addition, they were to arrange to take over its civil government.

2. Our Government was to recognize the new republic not later than forty-eight hours after the Declaration of Independence, and to prevent Colombia from landing troops on the Isthmus to restore her sovereignty.

It is proper that we should offset this sweeping indictment of our then Administration with an excerpt from an article by Roosevelt which appeared in *The Outlook* on October 7, 1911:

On December 7, 1903, and again on January 4, 1904, as President of the United States, in messages to the two Houses of Congress, I set forth in full and in detail every essential fact connected with the recognition of the Republic of Panama, the negotiation of a treaty with that Republic for building the Panama Canal, and the actions which led up to that negotiation—actions without which

the canal could not have been built, and would not now have been even begun. Not one important fact was omitted, and no fact of any importance bearing upon the actions or negotiations of the representatives of the United States not there set forth has been, or ever will be, discovered, simply because there is none to discover. It must be a matter of pride to every honest American, proud of the good name of his country, that the acquisition of the canal and the building of the canal, in all their details, were as free from scandal as the public acts of George Washington and Abraham Lincoln.

It is a matter of keen disappointment to well-informed Americans of high character that there is no resemblance at all between the public acts of George Washington and of Abraham Lincoln on the one hand and those of the Roosevelt Administration in the taking of the Canal Zone, on the other hand. Of no public act of either Washington or Lincoln can anything like the following be said:

I am interested in the Panama Canal because I started it. If I had followed traditional, conservative methods I would have submitted a dignified state paper of probably two hundred pages to Congress, and the debate on it would have been going on yet; but I TOOK THE CANAL ZONE and let Congress debate, and while the debate goes on, the canal does also.

The writer has included in the appendix that portion of the message of December 7, 1903, which deals with the events on the Isthmus, and

the entire message of January 4, 1904. Roosevelt has stated in the first excerpt above that they contain the final word on the subject—all that is knowable and all that will ever be known. The writer hopes that before reading this book the reader will carefully study Roosevelt's full statement in these messages.

Inasmuch as Roosevelt's article in the *Metropolitan Magazine* for February, 1915, entitled: "The Panama Blackmail Treaty," is presumably his complete statement against ratification of the pending treaty with Colombia, the writer felt that its incorporation in the appendix of this book was required in order to give as fully as possible the other side of the controversy. He, therefore, requested permission to reproduce it. The following inconclusive letter from the Managing Editor of the magazine is the only communication received in reply:

> Replying to yours of July 24th, in which you request permission to reprint from the *Metropolitan Magazine* Colonel Roosevelt's article on "The Panama Blackmail Treaty," I am unable to give you that permission without first consulting Colonel Roosevelt. As soon as he returns from the West I will take the matter up with him and let you know.

The writer intended to set over against his own statement the full statement of Roosevelt. Per-

mission to reproduce the mentioned article not having been granted Roosevelt's side of the controversy is not fully stated.

President Wilson, in an address delivered before the Chamber of Commerce of the United States on February 3, 1915, stated the method employed by the writer in the examination of our title to the Canal Zone. It is contained in the following excerpt:

> I agreed with a colleague of mine in the cabinet the other day that we had never before in our lives attended a school to compare with that we were now attending for the purpose of gaining a liberal education.
>
> Of course, I learn a great many things that are not so, but the interesting thing about that is this: Things that are not so do not match. If you hear enough of them, you see there is no pattern whatever; it is a crazy quilt. Whereas, the truth always matches, piece by piece, with other parts of the truth. No man can lie consistently, and he cannot lie about everything if he talks to you long. I would guarantee that if enough liars talked to you, you would get the truth; because the parts that they did not invent would match one another, and the parts that they did invent would not match one another. Talk long enough, therefore, and see the connections clearly enough, and you can patch together the case as a whole.

A great mass of evidence was sifted in order to penetrate through plausible falsehoods to basal facts. The sifted evidence was marshaled and carefully weighted. It is reproduced largely in

the form of quotations with the connecting nexus in the form of inferences and conclusions supplied by the writer. It is the first comprehensive account in book form of the events connected with our acquisition of the Canal Zone.

The conclusions expressed are based on the quotations found here and there throughout the book. Moreover, they are not always solely based on the quotations in connection with which the conclusion is expressed. Viewed thus broadly the writer is convinced that every conclusion is warranted. It was his purpose:

> Nothing [to] extenuate,
> Nor to set down aught in malice.

The data bearing on the taking of the Canal Zone by our Government are widely scattered, and, therefore, inaccessible to the general reader. Those which, so to speak, mirror this chapter of our history are assembled in this book, which thus makes them accessible to the public.

The significant facts have been assembled and sifted in our search to determine whether we have a clear title to the Canal Zone. They unmistakably show that it was taken by force. The payments to our partner in crime do not clear the title of its stain. *It is stolen.* Gilding the *polit-*

ical crime with the gloss of fine words does not remove the *national disgrace.*

This is a subject on which one is not warranted in expressing an opinion unless he has critically examined the available evidence. Only the person who has a message and can present it without prejudice is entitled to ask audience. Therefore, he who speaks on the subject should state his credentials. In this instance, credentials take the form of political affiliations. The writer voted for Roosevelt for Vice-President in 1900 (in Wisconsin), supported him for President in 1904 (in New York), and in the Republican primary of 1912. After the Republican convention at Chicago he joined the Progressive Party and is now a member of that party.

The writer's interest in Roosevelt dates from the picturesque support that the latter gave to Senator Edmunds for President in the Republican national convention of 1884. At the time, Roosevelt was featured in the west as a young Lochinvar of the east valiantly fighting the battle of political righteousness. His vigorous support of Edmunds won the writer's boyhood fancy.

It now seems that there had grown up in the west a Roosevelt myth commencing with the convention named, which he attended as one of the

big four of New York. His conduct always seemed to be in harmony with exalted moral purpose. Social well-being seemed to be the goal toward which he steered with unerring precision. This was the writer's estimate of Roosevelt when the repeal of the tolls-exemption provisions of the Panama Canal Act became a national issue.

A critical study of the financial policy that the Hay-Pauncefote treaty imposes on the United States in the management of the Panama Canal, and that is imposed on the country by the nature of the enterprise, coupled with an exhaustive study of the method employed to secure the Canal Zone, convinced the writer that the attitude of Roosevelt was foreign to the requirements of national honor.

It may be urged that citations which justify the course pursued by the Roosevelt Administration have been omitted from this volume. The following excerpt from the pen of Secretary Hay is typical:

> Any charge that this Government, or any responsible member of it, held intercourse, whether official or unofficial, with agents of revolution in Colombia, is utterly without justification.
>
> Equally so is the insinuation that any action of this Government, prior to the revolution in Panama, was the result of complicity with the plans of the revolutionists.

The Department sees fit to make these denials, and it makes them finally.

Roosevelt cites the following from Secretary Hay as of controlling importance:

> The action of the President in the Panama matter is not only in the strictest accordance with the best precedents of our public policy, but it was the only course he could have taken in compliance with our treaty rights and obligations.

These statements of the late lamented Secretary Hay have not survived the scrutiny of historical criticism. All communications of similar character have crumbled before the searchlight of truth and historical method for separating truth and falsehood.

William Roscoe Thayer published in *Harper's Magazine* for July, 1915, a sympathetic article on the connection of the Roosevelt Administration with the Isthmian events in the fall of 1903, which resulted in our securing the Canal Zone. The following excerpts are apropos:

> From the moment of Mr. Roosevelt's accession the State Department felt a new impelling force behind it: the Secretary still conducted the negotiations, but the creation and decision of policy came to rest more and more with the President.
>
> In no case was this so true as in that of the Panama Canal. In the earlier stages Mr. Roosevelt gave directions which Mr. Hay carried out; before the end, how-

ever, the President took the business into his own hands; and he has ever since frankly assumed entire responsibility for the achievement. . . .

Throughout October Mr. Hay seems to have had less and less communication with the Isthmus and Bogotá, whereas the activity of President Roosevelt increased.

Responsibility for the dynamic climax to this solution of the Colombia-Panama struggle rested entirely with the President, who seems not always to have informed Secretary Hay and the Cabinet officers of his acts.

The writer reached the same conclusion by a comparative study of the diplomatic and other correspondence of the Roosevelt Administration of the period in question. This investigation led him to conclude that Secretary Hay did not know the facts connected with the Isthmian disturbance in 1903. This makes it clear that the certification made by Secretary Hay, of the correctness of the conduct of the President, is based upon belief and not upon knowledge.

In this book we deal only with the principal events connected with our acquisition of the Canal Zone. A detailed and chronological statement of them can be found with only incidental analysis and interpretation, in "The Story of Panama" by Henry N. Hall, staff correspondent of the New York *World*. This comprehensive statement of facts constitutes Mr. Hall's testimony before the Committee on Foreign Affairs of the House of

Representatives from January 26 to February 20, 1912, and has been printed as an official document.

The citations in this book whose source is not indicated in connection with their presentation are taken from the "Diplomatic History of the Panama Canal" (official document), "The Story of Panama" (official document) and other official documents, including the Congressional Record.

This book is the by-product of another work dealing with the Panama Canal finances, tolls, accounts and underlying treaties. The amount of space required to cover all these matters turned out to be such that it was necessary to abandon the original plan and treat this one phase of the question as an independent though related study. The part of the original plan that had already been worked out was, therefore, pigeon-holed to enable the writer to complete the present work. The other section of the work as originally planned will be published later under the title: "America and the Canal Tolls."

This book contains more or less repetition. Fundamental principles and important documents are involved in the consideration of a question like this, and, as they have a bearing on the various standpoints from which the question was considered, repetition was inevitable. It would not

have been desirable to have avoided it entirely if it could have been done. All minds are not equally mature and so it may well be that the method of here a little and there a little from different standpoints is the way of correct understanding. As the writer aimed to instruct as well as to explain official documents and secondary evidence, repetition became a vital part of his method.

Some of the citations and arguments which show that there was no revolution on the Isthmus in the fall of 1903 also show that the Treaty of 1846 was violated and that the Canal Zone was taken by force. Therefore, some of the repetition may be more apparent than actual as the same data and arguments were used to show different contentions.

Acknowledgments are due to President Jose V. Concha of the Republic of Colombia for a cablegram in which he gives an official version of a memorandum he, as Minister of the Colombian Legation, handed to our Government in 1902 in which it was provided that the annuity to be paid to Colombia for the canal concession was to be determined by arbitration if it could not be determined by diplomacy; to Señor Francisco Escobar, Consulado General De Colombia, in New York,

for the cablegram from President Concha of Colombia printed on page 35, for several valuable pamphlets, and for having informed the writer of the existence of important official documents and how to gain access to them; to Roberto Ancizar, Secretary of the Colombian Legation at Washington, for verification of two official documents, for a copy of a Colombian official document not yet printed and for several valuable pamphlets; to Henry N. Hall, for an official copy of "The Story of Panama" comprising his testimony before the House Committee on Foreign Affairs; and to Leander T. Chamberlain for excerpts taken from his pamphlet, "A Chapter in National Dishonor," some of which were adapted to fit into our line of argument without direct acknowledgment. Special acknowledgment is due my colleague, James L. Bahret, for valuable editorial suggestions. The author was prevented through lack of strength from carrying out all of them.

The author is solely and alone responsible for the material incorporated and the views expressed in this book. He received encouragement from Señor Francisco Escobar of the Colombian Consulate in New York. The Colombian Legation at Washington was indifferent. The writer's suggestion that it secure for him, if possible, two

official documents not published and furnish a better translation of an excerpt from a Colombian official communication were ignored. This is merely stated for the purpose of focusing responsibility for the contents of this book on the author.

During the final revision of the manuscript the writer was ordered by his physician not to do intensive work. Therefore the book is not as well integrated as it would otherwise have been and repetition appears that would have been eliminated. It is believed that these defects in the story of the taking of the Canal Zone by the Roosevelt Administration as herein narrated are merely formal, and that they do not impair its scientific value.

JOSEPH C. FREEHOFF.

SARANAC LAKE, N. Y.
November 15, 1915

AMERICA AND THE CANAL TITLE

Chapter I

Clear the Enterprise of Every Stain

Construction of the Panama Canal was completed in the summer of 1914. Slides now and then interrupt transit. Removal of these slides merely adds to the cost of the canal as a commercial enterprise.

Our Government "took" the Canal Zone from Colombia at the point of the bayonet. It was unwilling to pay the price determined by due process of law. Our title is, therefore, stolen. This stain on the enterprise will remain until unstinted reparation has been made to the despoiled owner —Colombia. Concerning the construction of the canal and our seizure of the Canal Zone, the New York *World* said in an editorial in the winter of 1912:

It is the greatest feat of construction ever undertaken by any government. The manner in which this work has been done under the direction of Colonel Goethals is one of the engineering triumphs of all history. Every American citizen should be proud of it.

When the canal is thrown open to the commerce of the world there should be no blot on the record. There should be nothing for the American people to explain or to apologize for. . . .

The full story of . . . [the] Panama transaction is yet to be told—the Washington lobby, the framing of the treaty which Colombia rejected, the organization and financing of a Panama revolution in New York City, the part played by the United States Government in this conspiracy. . . .

The seizing of the Canal Zone did more to arouse the hostility of South American republics against the United States than anything else that has happened since they won their independence. While Colombia's demand for justice remains unsatisfied this country will always be an object of suspicion on the part of its South American neighbors. . . .

The important thing is that this international scandal be disposed of for all time before the canal is opened and that no stain be left on the American title.

Congress owes it to the country and the country owes it to itself.

In the enactment of the Panama Canal Act in 1912, Congress placed another stain on the enterprise. The tolls-exemption provisions of that act scrapped the commercial provisions of the Hay-Pauncefote treaty. Due primarily to the exalted moral purpose of President Wilson, the tolls-exemption provisions of the Panama Canal Act were

repealed in 1914, with the result that the Hay-Pauncefote treaty was restored as our guide in the management of the canal. Instead of this treaty being now a *scrap of paper,* it is a world-view design—snatched from the scrap heap and restored as the vital instrument in canal administration. It was rescued on the way to the political graveyard in which are interred the remains of our Treaty of 1846, and over which hovers a troubled American conscience. Only reparation to Colombia can bring relief. Ratification of the pending treaty with Colombia by the Senate will restore American honor and remove from our flag an otherwise ineffaceable stain.

The Hay-Pauncefote treaty is a solemn engagement whose meaning is self-evident. Besides, we have documentary evidence which establishes that meaning beyond a reasonable doubt. Willis Fletcher Johnson, an able newspaper man, interviewed Secretary Hay as to the bearing of this treaty on our intercoastal trade. This was before the construction of the treaty became the subject-matter of political controversy. Therefore, the opinion expressed in this interview, if properly corroborated, absolutely establishes its meaning. The interview is published in official documents and reads:

I asked Colonel Hay plumply if the treaty meant what it appeared to mean on its face, and whether the phrase "vessels of all nations," was intended to include our own shipping, or was to be interpreted as meaning "all other nations." The Secretary smiled, half indulgently, half quizzically, as he replied:

"All means all. The treaty was not so long that we could not have made room for the word 'other' if we had understood that it belonged there. 'All nations' means all nations, and the United States is certainly a nation."

That was the understanding between yourself and Lord Pauncefote when you and he made the treaty? I pursued.

"It certainly was," he replied. "It was the understanding of both Governments, and I have no doubt that the Senate realized that in ratifying the second treaty without such an amendment it was committing us to the principle of giving all friendly nations equal privileges in the canal with ourselves. That is our Golden Rule."

The views of the then Secretary of State are ·orroborated by our Ambassador to Great Britain t the time, Joseph H. Choate, who in an address fore the Chamber of Commerce of the City of v York on February 13, 1913, said:

's true that I had something to do with the negotia- ıf this treaty. In the summer of 1901—you will ber that this treaty was ratified by the Senate in ber, 1901—I was in England until October, and almost daily contact with Lord Pauncefote, who ide represented Lord Lansdowne, the foreign sec- nd was also in very frequent correspondence with /, our Secretary of State, under whom I was act- ıs the lips of both of those diplomatists and great

patriots, who were each true to his own country and each regardful of the rights of the other, are sealed in death, I think it is quite proper that I should say what I believe both of them, if they were here, would say to-day—that the clause in the Panama Canal bill exempting coastwise American shipping from payment of tolls is in direct violation of the treaty.

I venture to say that in the whole course of the negotiations of this particular treaty, no claim, no suggestion, was made that there should be any exemption of anybody.

Even more convincing are the views expressed by the late President McKinley. They are found in a letter from Secretary Hay to Senator Cullom, of which the following is an excerpt:

The President was not only willing but desirous that *"the general principle"* of neutralization referred to in the preamble of this treaty should be applicable to this canal now intended to be built, notwithstanding any change of sovereignty or of international relations of the territory through which it should pass.

The views of President McKinley are *"the general principle"* with the meaning that the negotiators of the Hay-Pauncefote treaty attached to it. In a letter dated August 20, 1901, Ambassador Choate stated its meaning as it was understood at the time the treaty was negotiated. It was in effect—

That the parties constructing or owning the canal shall impose no other charges or conditions of traffic than are

just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State.

The foregoing was corroborated by Henry White, Secretary of our Embassy in Great Britain during the negotiations of the Hay-Pauncefote treaties. Mr. White wrote a letter to Senator McCumber in which he told what Secretary Hay understood the treaty to mean relative to free transit for our intercoastal trade. The vital part of the letter reads:

(1) That the exemption of our coastwise shipping from the payment of tolls was never suggested to, nor by, any one connected with the negotiation of the Hay-Pauncefote treaties in this country or in England;

(2) That from the day on which I opened the negotiations with Lord Salisbury for the abrogation of the Clayton-Bulwer treaty until the ratification of the Hay-'auncefote treaty, the words "all nations" and "equal ms" were understood to refer to the United States as as to all other nations, by every one of those, whether an or British, who had anything to do with the 'ions whereof the treaty last mentioned was the

y White had at the date of writing the more minute knowledge of the negotia- ling up to the agreement on the Hay- te treaty than any other person. His

statement is, therefore, final and conclusive as to the meaning of that instrument

It does not take much erudition to know what the negotiators intended the Hay-Pauncefote treaty to mean—to know what the Hay-Pauncefote treaty actually does mean. *It means what its negotiators intended it to mean.* It was clearly the intent of the negotiators that the charge for the commercial use of the Isthmian Canal which was to be constructed should be non-discriminatory and without distinction of flag. This is confirmed by the inclusion of this sentence in the Hay-Pauncefote treaty:

> SUCH CONDITIONS AND CHARGES OF TRAFFIC SHALL BE JUST AND EQUITABLE.

Appreciating the fact that the Panama Canal is a public utility, our public vessels are entitled to free transit, because they are either engaged in maintenance or in maneuvers to acquire the efficiency required for its protection. The public vessels of the Republic of Panama pass through free as an offset to rent. Similarly, the public vessels of Colombia will pass through free if the treaty with Colombia now pending in the Senate is ratified. This will be part of the compensation incurred to secure a clear title to the Canal Zone.

administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

The high moral purpose of this memorable state paper was recognized abroad. Sir Edward Grey, the British Foreign Secretary, complemented it in a speech in the House of Commons. In the course of his remarks, he exposed misrepresentation, and, in so doing, revealed the exalted moral purpose of President Wilson. The following excerps from Sir Edward Grey's speech should have the widest circulation:

It is due to the President of the United States and to ourselves that I should so far as possible clear away that misrepresentation. It was stated in some quarters that the settlement was the result of bargaining or diplomatic pressure. Since President Wilson came into office no correspondence has passed, and it ought to be realized in the United States that any line President Wilson has taken was not because it was our line, but his own.

President Wilson's attitude was not the result of any diplomatic communication since he has come into power and it must have been the result of papers already published to all the world.

It has not been done to please us or in the interests of good relations, but I believe from a much greater motive—the feeling that a government which is to use its influence among the nations to make relations better must never when the occasion arises flinch or quail from interpreting treaty rights in a strictly fair spirit.

President Wilson's attitude toward the tolls-

exemption clause of the Panama Canal Act was reaffirmed in his address at Independence Hall on July 4, 1914. It is reported as follows:

> I say that it is patriotic sometimes to prefer the honor of the country to its material interest. Would you rather be deemed by all nations of the world incapable of keeping your treaty obligations in order that you might have free tolls for American ships? The treaty under which we gave up that right may have been a mistaken treaty, but there was no mistake about its meaning.
>
> When I have made a promise as a man I try to keep it, and I know of no other rule permissible to a nation. The most distinguished nation in the world is the nation that can and will keep its promises even to its own hurt. And I want to say, parenthetically, that I do not think anybody was hurt. I cannot be enthusiastic for subsidies to a monopoly, but let those who are enthusiastic for subsidies ask themselves whether they prefer subsidies to unsullied honor.

Our own former "Secretary for Foreign Affairs," William Jennings Bryan, speaks in the same tone as did Sir Edward Grey, both viewing the matter from the standpoint of the influence of a nation in international affairs if it keep its solemn engagements. In a letter dated September 4, 1914, quoted elsewhere, Secretary Bryan wrote:

> The position taken by the President on the tolls question aroused more opposition at that time than it would arouse to-day, subsequent events having completely vindicated the wisdom of his action.

The enviable position which our nation occupies to-day is due, in part, to the fact that it has allowed no doubt to exist as to its purpose to live up to the stipulations of its treaty.

There were economic considerations which weighed heavily in favor of the repeal of the free tolls law, but these were less important than those which affected the international standing of our nation.

A government must be above suspicion in the matter of good faith. No pecuniary advantage, even where such an advantage actually exists, can for a moment justify the violation of a treaty obligation, and violation must be the more scrupulously avoided if the question is one which is not to be submitted to arbitration.

In international matters the question is not whether we are ourselves certain of our Government's purpose in the position taken, but whether other nations, also, have confidence in our rectitude.

The President set a high standard, and the support given to him in the Senate and House was as creditable to Congress as it was complimentary to him. The popular approval which is now accorded to both the President and Congress on this subject is proof positive that the people can be trusted to pass judgment upon the merit of international, as well as domestic, questions.

pecially gratifying is any appreciation of our ident by Viscount James Bryce. The reason he is held in affectionate esteem by all well-ed Americans. Therefore, his views have rtance among us that does not attach to any other foreigner. At the Independ-v dinner in London on July 4, 1914, he following tribute to President Wil-

Courage is a virtue rare among politicians. What we have all admired in the President is his courage in the matter of the canal tolls.

Absolutely no pressure was brought to bear by Great Britain to obtain repeal of the tolls-exemption clause of the Panama Canal Act.

In a letter commenting on a book designed and prepared by the writer and published with another as co-author, Lord Bryce expresses appreciation of President Wilson which supplements the foregoing. The following therefrom is apropos:

Besides the value which your book has for the student as a collection of documents bearing upon a significant passage in diplomatic history, it has the further interest of placing on record the admirable example set by President Wilson of the spirit in which questions affecting the faith of treaties ought to be handled. No praise can be too high for the rectitude and the courage which he showed on this occasion. Wisdom also he showed and clear foresight. He perceived that one of America's greatest assets is her reputation for righteous dealing and for loyalty to the international obligations she has undertaken. He understood the mind and conscience of the American people, and knew that when an appeal was made to them in the name of good faith they would respond. The result vindicated his judgment.

Your book calls attention to the testimony borne by the British Foreign Secretary and by myself (for I was Ambassador at Washington when Mr. Wilson entered the White House) to the fact that no pressure whatever was exerted by the British Government in the matter. To this I may add that when I reported to my Government the last conversation I had with Mr. Wilson in which the

subject was mentioned, I expressed to them the confident belief that whenever the President had had time to study and master the issues involved he would do whatever he felt to be right, and would not be diverted by any political considerations from what he might hold to be the course that honor prescribed.

Those of us in England who know America best and love her most rejoiced at the approval which she gave to the President's policy in this matter, not on account of any British interest involved but because it showed that to be true which we had often declared—that no nation in the world has a truer love of peace and good-will or a higher sense of international honor than have the American people.

Especially pertinent at this time is this appreciation because of the violation of the Treaty of 1839 by Germany and the storm of indignation it aroused in neutral countries. This ought to impel us to remove the stigma attaching to our violation of the Treaty of 1846. American good faith can be restored only by the ratification of the treaty with Colombia now pending in the Senate.

President Wilson rendered a distinguished public service when he insisted on the repeal of the provision of the Panama Canal Act which exempted our vessels engaged in the coastwise trade from the payment of tolls. He stood for the renunciation of an advantage inconsistent with the interpretation put upon the Hay-Pauncefote

treaty by the men who framed it. He had to fight down serious opposition in his own party to square our record with that of honor.

The repeal of the tolls-exemption provisions of the Panama Canal Act will always stand high on the list of the good works of the President, for the enactment of the repeal bill was due to his great influence, very directly exerted. It was a controverted question, but the sound opinion of the country supported the President in his endeavor to get Congress to do its plain duty and to set the record of the country straight. A very great majority of the American people, and practically all of those who were in a position to judge the matter impartially, held that the exemption act was wrong, that the repeal was right, that it was an act of justice to England, and, above all, to ourselves.

The opinion of all well-informed Americans of high character was voiced by Vice-President Marshall when, at the Panama-Pacific Exposition, San Francisco, on March 24, 1915, he said:

> In justice to the day, Woodrow Wilson should be here. The office and the man would each fittingly grace this occasion. But duty said to him that justice to all the people bade him stay in Washington. You hope for continued peace. Do not forget that he is your greatest peacemaker. May the truth that he seeks your good,

rather than his own or your pleasure, lighten the disappointments of this hour. . . .

I am sure that I express the thought of the President and the hope of the American people when I say that our canal was built not alone for glory or great gain, but with a sincere desire to make the whole world kin. There are two gospels now instead of one. The gospel of good will has been supplemented with the gospel of personal contact. The gospel of good will continues to be supreme, but nothing will help it preach as loudly as those human agencies which eliminate distance, blend languages, and give us sight as well as knowledge each of the other.

I am quite sure that I am but one of a countless throng in this republic who regret that this altruistic work has a real or seeming defect in the charge of an injustice done a sister republic to the south. Let us not be too much dismayed this day by reason of that fact. The American people are wise, and they know he is not wise who is not just. I look with confidence for the early arrival of that good hour when whatever wrong may have been done shall be righted, and when there will be left no drop of bitter water to flow in that channel which unites the seas.

The present war vitally concerns the progress of the world's civilization. It marks an epoch in world history comparable only with the Fall of the Roman Empire or the Reformation. Future history will date from it. Ought not the United States to start the new era without a stain on its good name?

Due to the high character of President Wilson, the tolls-exemption provisions of the Panama Canal Act are in the scrap-heap. Ratification of the pending treaty with Colombia is as vital to

the restoration of American national honor as was the repeal of tolls-exemption.

As already stated, the tolls-exemption provisions of the Panama Canal Act have been repealed. The good work should be completed by making reparation to Colombia. That would clear the canal of its remaining stain. President Wilson and Secretary Bryan have done their part. Let the people of the United States insist that the Senate do its part by demanding that it ratify the pending treaty with Colombia, thus enabling us to start the new era with a chastened conscience and with unsullied honor.

Chapter II

Roosevelt's Article—"The Panama Blackmail Treaty"

We shall, in this chapter, subject to a critical examination an article by Roosevelt entitled "The Panama Blackmail Treaty," which appeared in the *Metropolitan Magazine* for February, 1915. The article advances an argument against the ratification of the treaty negotiated with Colombia by the Wilson Administration for the purpose of reëstablishing friendly relations and of compensating that country for loss suffered when the Province of Panama was wrested from her sovereignty by the United States. Not only is the article couched in language that is lacking in dignity, but it is positively offensive. Its principal arguments will be answered in this chapter and the remaining ones will be disposed of in other chapters.

We shall quote excerpts from this article as the discussion proceeds and follow them with an accurate statement of facts and of conclusions

based on them. The article opens with these paragraphs:

> In 1903 a shameless and sordid attempt was made by the then dictator of Colombia and his subordinate fellow-politicians at Bogotá to force the United States by scandalously improper tactics to pay a vastly larger sum for the privilege of building the Panama Canal than had been agreed upon in a solemn treaty. As President of the United States I resisted this attempt, and prevented the United States from being blackmailed. Had I not successfully resisted the attempt, the Panama Canal would not now be built, and would probably never have been built. The attempt was blackmail then; and to yield to it now is to yield to blackmail.
>
> Yet the present Administration now proposes to pay Colombia twenty-five million dollars, and to make what is probably an apology for our conduct in acquiring the right to build the canal. Apparently this is done on the theory of soothing the would-be blackmailers and making them forget the mortification caused them by the failure of their initial attempt to hold up the United States.

This article and the messages to the Congress as of December 7, 1903 (part devoted to Canal), and of January 4, 1904, are neither fact nor fiction. They are a gallery-playing farce intended to dazzle instead of to instruct the American people. They may sound like truth, but in reality they bear false witness against a sister Republic, retarding the formation of a correct public opinion on the question of our duty to Colombia. They are in reality a plea to

keep our national honor in pawn so that the political crime of 1903 may not be officially disowned.

The charge of "blackmail" is, in reality, nothing more than a pretext to justify the taking of the Canal Zone by force. Realizing that there is no justification that can withstand the scrutiny of historical method, Roosevelt tries to withdraw attention from the real facts by this unwarranted counter charge. What proof has he offered? Or does he act on the principle that if you throw mud some of it will stick—at least in the minds of the unwary? His charge is serious, but searching inquiry shows that it is absolutely without foundation.

When it became evident that the compensation for the canal concession could not be satisfactorily arranged by diplomacy, Colombia suggested that the matter be referred for determination to an arbitral tribunal and offered to enter into an engagement which would provide for its determination in this way. This phase of the canal controversy is admirably stated in a paragraph of an article in the *North American Review* for January, 1904, by Señor Francisco Escobar, Consul of Colombia in New York:

> The money consideration first offered by Secretary Hay was far from satisfactory. Minister Concha was

right when he said that the Secretary was trying to drive a sharp bargain. Yet it was the accepted opinion in the United States that Colombia was the "sharper"; but the best proof I can adduce to the contrary is that Minister Concha proposed to leave the money consideration to be adjusted by an arbitrator or by The Hague Tribunal.

Mr. Escobar was asked by the writer to secure confirmation of the foregoing from the then Minister Concha, now the President of the Republic of Colombia, which was done. It is contained in the following cablegram:

Bogotá, August 10, 1915

Francisco Escobar, New York:

By article XXV of the memorandum presented to the Department of State on April 18, 1902, the Colombian Legation proposed to fix by means of arbitration the amount of the annuity to be paid Colombia. On April 21, Secretary Hay accepted this proposal and promised to sign a covenant in accordance therewith, but on July 18, having changed his mind, proposed an option [$7,000,000 on final agreement and an annuity of $100,000 or $10,000,000 and an annuity of $10,000] instead of arbitration. The memorandum was published with other state papers by said Department.

CONCHA

In article XXV of the memorandum, Colombia proposed a method for determining the value of the canal concession that was scientific. This article contains the following sections:

As the price or compensation for the right to use the zone granted in this convention by Colombia to the United

States for the construction of a canal, together with the proprietary right over the Panama Railroad, and for the annuity of $250,000 gold, which Colombia ceases to receive from the said railroad, as well as in compensation for other rights, privileges, and exemptions granted to the United States, and in consideration of the increase in the administrative expenses of the department of Panama consequent upon the construction of the said canal, the Government of the United States binds itself to pay Colombia the amount of $7,000,000 in American gold on the exchange of the ratification of this convention after its approval by the legislative bodies of both countries, and fourteen years after the date aforesaid a fair and reasonable annuity, that shall be agreed upon by the contracting Governments three years before the expiration of the above-mentioned term of fourteen years.

In fixing this fair and reasonable annuity there shall be taken into consideration the present price of the usufruct of the railway as well as the compensation that is to be stipulated for the use of the zone and for the additional administrative expenses that the construction of the canal will impose upon Colombia; and also the advanced payment of $7,000,000 and the comparative cost and conditions upon which the United States reasonably could have expected to acquire concessions satisfactory to it in respect of any other canal route.

Three years before the expiration of each term of one hundred years the annuity for the following term shall be fixed in a similar manner.

But in the event that the parties are unable to come to an understanding within the periods above referred to as to such fair and reasonable annuity, then before the second year prior to the termination of the periods above referred to, the contracting parties shall proceed to constitute a high commission, to be composed of five mem-
:rs, of whom two shall be appointed by Colombia, two
r the United States, and the fifth (who shall be the
esident of such high commission) shall be the presi-

dent, for the time being, of the International Peace Tribunal of The Hague; and the determination reached by said commission, by a majority vote, concerning such fair and reasonable annuity that is to be paid to Colombia by the United States in conformity with this article, shall be binding upon the contracting parties.

But no delay nor difference of opinion in fixing such amount shall affect nor interrupt the full operation and effect of this convention in all other respects.

Minister Concha accompanied the memorandum with a letter, which contains the following paragraph:

Confirming the conclusions reached as the result of the conference held between yourself and Mr. Cromwell, and adopting, as far as practicable, your valuable suggestions, I beg leave to hand you the concessionary convention or treaty (in Spanish and in English) embodying the amendments agreed upon in the conference referred to.

My previous communication of March 31, 1902, proposing the concessionary convention or treaty in behalf of my Government, and the expository communications of myself and Mr. Cromwell under the same date, apply equally to the inclosures.

The following paragraphs are the contents of the letter of Secretary Hay, dated April 21, 1902:

I have the honor to acknowledge receipt at your hands of a communication dated the 31st of March, 1902, and another of the 18th of April, inclosing a proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and that of the United States of America respecting the completion, maintenance, operation, control, and protection of an inter-oceanic canal over the Isthmus of Panama.

I am directed by the President to inform you that I shall be ready to sign with you the proposed convention as soon as—

First. The Congress of the United States shall have authorized the President to enter into such an arrangement; and

Second. As soon as the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give of all the properties and rights claimed by it and pertaining to a canal across the Isthmus and covered by the pending proposal.

That Secretary Hay rejected Colombia's proposal of April 18, 1902, for fixing the price of the canal concession by arbitration has already been stated. In January, 1903, Acting Minister Herran of Colombia renewed the proposal of his Government to have an arbitral tribunal fix the annuity to be paid Colombia. Our administration insisted that the annuity should be a fixed amount in perpetuity and that this amount should be stipulated in the treaty, and offered for the canal concession the sum of $7,000,000, and an annuity of $100,000 during the life of the engagement, or, $10,000,000 and an annuity of $10,000. Colombia asked $7,000,000 for the concession, and an annuity of $600,000. As there was a decided difference in the amount of the annuity offered and asked, Colombia proposed that it be settled by arbitration, but our Government refused.

America, the country which to-day has gone the furthest along lines of international arbitration, refused as recently as 1903 to arbritrate the price of an easement, as is done under similar circumstances in the exercise of domestic eminent domain if the matter is not settled by mutual agreement. America enforces upon her citizens what she declined to accept as a member of the family of nations.

The spirit in which Colombia acted during the negotiation of the canal concession is found in the following excerpt from a letter by Minister Concha, dated March 31, 1902:

> The Republic that I represent realizes the importance of the contemplated interoceanic waterway for the civilization and progress of the world, and since nature has placed the shortest and most expeditious route within the territory of the Republic, Colombia widely and generously opens her doors so that the grand work may be achieved within the shortest possible time.
>
> If the people of the United States evince an earnest desire that their Government apply its energies and treasure to the completion of the canal, Colombia not only will not place any obstacle whatever in the way of such a purpose or keep her concessions within the bounds of those previously conceded to private enterprise, but will enlarge those concessions to such an extent as to renounce a demand for the ownership after the lapse of a number of years of operation, as stipulated in the French company's contract; she will grant the use of a much more extensive zone than that originally conceded for the execution of the work; extend facilities in all the ports of

the Republic for coöperation in the work of the enterprise, relinquish her proprietary and usufructuary rights in the Panama Railway, and lastly, foregoes a fixed participation in the proceeds of the canal, confining her demands to a fee or annuity for the price of the zone, the revenues of the railway, and the heavier expenses put upon the public administration in the Isthmus by the increase of population and the traffic consequent to the work on the canal itself.

Thus does Colombia give fresh evidence of her long standing and cordial sentiments of friendship toward the United States and evinces in a clear and sincere manner the gratification with which she will receive the industrious and intelligent citizens of your Republic in her territory.

Colombia has no lust of unjust gain through the construction of the canal in her territory, and a final convention on this subject will not be hampered by pecuniary considerations. Her pride in the matter is bent on having the neutral waterway between the two oceans, that idea of universal peace and progress, become a reality on her territory and under the protection of her sovereignty. The compensations asked by Colombia have special importance only in that they will imply a practical and constant recognition of her sovereignty.

In the light of the foregoing official documents or of excerpts from documents, whose conduct comes under the dictionary definition of attempted blackmail? The Standard Dictionary defines this favorite term of Roosevelt's when he is discussing the acquisition of the canal title as "extortion by intimidation; especially, extortion of money by threats or accusations."

With this definition as a guide, it would be

more truthful to say that the manner in which our Administration secured the signature of Herran to the Hay-Herran treaty, and attempted to secure its ratification by the Colombian Congress, savors of blackmail than to say that those in official control of Colombia attempted blackmail. The characterization of their actions by this term is wholly inaccurate, and, as already indicated, is a deliberate attempt to conceal the fact that our Administration was guilty of a political crime. The facts upon which this statement is based are given in detail in chapters which follow.

Whatsoever evidence of attempted blackmail exists is contained in the gossip of the time. It can be duplicated at any session of our Congress or of the legislature at Albany. The council of the city of New York was shorn of important powers because of this practice. On the day of writing (March 23, 1915), Hamilton Fish charged in the New York Assembly:

> The Republican Party here represented is acting on this bill in behalf of several men who get retainers from casualty companies and who pull down the levers that operate things here at Albany. You are acting for one or two men who are in the employ of the insurance companies. . . .
>
> I demand an investigation. No one has told who is behind this bill that we rushed through without a hearing.
>
> I stand pat on my statement that improper influences

put the Direct Settlement bill through this House. You have the investigators named and I'll give the proof."

Van Benschoten, in the celebrated Barnes-Roosevelt libel suit, said:

> Investigation after investigation had shown the absolute rottenness of the condition of many of the departments of the State. Public officials had been indicted and convicted for neglect of duty and for conspiring to defraud the State. Other officials had been removed from office. The newspapers and periodicals were filled with the details of the conditions which had for some time been existing.

"Blackmail!" Have not some United States Senators and Congressmen been convicted of crime? Others left inadequate footprints and so the legal evidence was wanting. We have our own "Black Horse Cavalry," and some of them have "done time." It would be a miracle if Colombia were entirely free from them.

We should not expect a virtue there that we do not ourselves possess. Guilt does not point to the Colombian Congress as a body. It is safe to say that in the history of civilized diplomacy there never was such an unwarranted and improper characterization of another nation's motives as is contained in Roosevelt's official and unofficial arraignment of Colombia.

Do not the official documents here presented

prove that Roosevelt has wantonly attacked Colombia's national character? Do they not show that he has ruthlessly assailed the character of her public men in order to conceal the theft of the Canal Zone by his Administration? A critical examination of the diplomatic correspondence between the United States and Colombia having a bearing on the Hay-Herran treaty convinced the writer that the following from the pen of Ex-Minister Du Bois is a correct estimate of the character of the governing class of Colombia:

> An impartial investigation at Bogotá, running over a period of two years . . . convinced me that, instead of "blackmailers" and "bandits," the public men of Colombia compare well with the public men of other countries in intelligence and respectability, while the social life is as refined and cultured as can be found in any capital in the world. Bogotá is called the Athens of South America.

The New York *World* is authority for this statement:

> It is noteworthy that of all the amendments introduced into the Colombian Senate, there was not one relating to the compensations, either in money or in any other form, that Colombia was to receive from the United States in exchange for the concessions granted by the former to the latter country. There is not the ghost of a shadow of justification for the oft-repeated falsehood that Colombia was trying to hold up the United States for more money.

Calling names does not alter facts. To shout "Blackmail!" from the housetops does not alter the fact that Colombia had vested interests in the Province of Panama for which she is entitled to compensation. If she deserved all the epithets hurled at her by Roosevelt, her infamy would not by a hair's breadth alter our duty. No man has a right to rob a person just because the latter contemplated blackmail.

The writer is not specially interested in Colombia, and has no ties whatever which bind him to her, but he is vitally interested in seeing a great power, in respect to whose policies he, like all citizens, has a right to be heard, deal justly with a small nation regardless of her character.

We are not aware that Colombia is a blackmailer. We are aware that the United States is in possession of a stolen canal title, which will remain tainted until our Government has made reparation. No amount of rhetoric, or of abuse of Colombia, will alter a single word in the indictment against the United States.

The charge of blackmail is reiterated by Roosevelt in the following:

In his message of July 21, Minister Beaupré reported that the Colombian Government had sounded both Germany and England to see if they could not be persuaded

to construct, or aid in the construction of, the canal in place of the United States. The Government of Colombia, therefore, not only sought to blackmail us and to blackmail the French company, but endeavored to put one of the great Old World powers on the Isthmus in possession of the canal. And because the then Administration refused to submit to such infamy on the part of Colombia, the present Administration actually proposes to pay the wrongdoer $25,000,000 of blackmail.

In short, it was a crime for Colombia to seek reasonable terms; it was, however, a virtue for the United States to do so. And, of course, Roosevelt—and not an impartial arbitral tribunal—was to decide what were proper terms. As already stated, Colombia offered to submit the entire question of compensation to an arbitral tribunal. Therefore, it is nearer the truth to say that the Roosevelt Administration sought through coercion and duress to secure an unduly advantageous bargain.

As to blackmailing the French company—no penetrating student of corporation finance and of stock exchange methods will lose sleep over the spoliation of the innocent investors in the French company; they had already been despoiled. It only remained to determine whether the "Black Horse Cavalry" of finance would get the actual value of the investment or whether Colombia would share it with them as compensation for the

ments which destroy his prestige among the well-informed. The following is introduced merely as a sample of his reckless utterances:

> A private French company had attempted to build a canal across the Isthmus of Panama, and had failed after making only a beginning of the work. Various propositions for a trans-Isthmian canal to be undertaken by the United States Government had been made. . . .
>
> Congress only considered seriously, however, the Panama and Nicaragua routes, and was in much doubt between them. A commission of experts appointed by the President for that purpose had reported that if we could buy the rights of the French canal company for $40,000,000 we ought to take the Panama route, but that otherwise we should take the Nicaragua route. . . .
>
> The French had real rights. They had spent hundreds of millions of dollars, and although much of this had been wasted, yet we received at least $40,000,000 worth of property and of accomplished work for the $40,000,000 we agreed to pay them. Colombia had no rights that were not of the most shadowy and unsubstantial kind; and even these shadowy rights existed only because of the action of the United States. . . . Ten million dollars represented the very outside limit which generosity could fix as a payment to Colombia for rights which she was impotent to maintain save by our assistance and protection, and for an opportunity which she was utterly unable herself to develop. Nobody of any consequence in the United States, within or without Congress, would at that time for one moment have considered agreeing to pay $25,000,000 or any sum remotely approaching it.

Sovereignty, the most important consideration, is not mentioned by Roosevelt in the foregoing excerpt. The Hay-Herran treaty provided for

the payment of $10,000,000 to Colombia. It must, however, not be forgotten that Colombia remained the sovereign owner of the whole Isthmus of Panama. The offer of $10,000,000 and the right to retain the Isthmus were worth more than the $25,000,000 which are now offered. The circumstances of the Hay-Herran treaty, by virtue of which Colombia was offered the $10,000,000 before she lost Panama, were entirely different from those which obtain now when she is to be paid $25,000,000, after having lost the Isthmus.

The $10,000,000 was to be paid for leasehold rights to a Canal Zone in the Province of Panama. The $25,000,000 is intended as part payment for the loss of sovereignty—sovereignty wrested from Colombia by the display of overwhelming force in Isthmian waters. It is part payment for the loss of a province and vested interests there located, such loss being the result of collusion between the Roosevelt Administration and a few separatists on the Isthmus. The Hay-Herran treaty provided payment only for rights to a strip of land. The present treaty provides payment for the loss of ownership of a whole province with its concomitant rights. The two propositions are as far apart as the two poles.

Colombia had other rights in the Province of Panama. One of these was the right stipulated in the contract with the French company to take possession of the partly completed canal if not completed by it. The contract provided specifically that if within a certain time and a generous extension of time, which the Colombian government granted, the French company failed to construct the canal, the whole work should become the property of the Republic of Colombia. By merely waiting the necessary time, the position of Colombia as owner of the work would have become absolutely solid. Colombia, however, did not take advantage of that right. This very important right she had at the time when the United States was negotiating the Hay-Herran treaty.

Further, in order that the French company might sell its assets to the United States, it was necessary, as already indicated, first to secure the consent of Colombia, because, in the concession granted by Colombia to that company, it was expressly stipulated (art. 21) that such concession could not be transferred to any foreign government. This was by itself a right, and, therefore, Colombia was entitled to refuse transfer to the United States Government unless a fair price was ıid for her consent.

In addition to the foregoing rights, Colombia had a reversionary interest in the Panama Railroad. It was to become the property of Colombia at the end of the period for which the concession was granted.

In the light of the foregoing, is it not apparent that the $25,000,000 is not blackmail, but only part payment for rights unlawfully wrested from Colombia by our Administration—for vested interests taken from her by force when we established the so-called Republic of Panama as a protectorate of the United States.

The bland assertion of Roosevelt in the article in question that the rights of Colombia (of the sovereign) were shadowy and that they existed only because of the protection afforded to her by the United States is interesting, but the vital fact is again omitted, and that is that the United States received for this protection a liberal *quid pro quo*. We received valuable commercial concessions, including transit across the Isthmus on the Panama Railroad on the same terms as those granted to citizens of Colombia, a concession that Roosevelt wanted to deny to non-nationals in the commercial use of the Panama Canal. The burden assumed by the United States in the Treaty of 1846 was a mere trifle when compared

with the benefits which accrued to Americans under that treaty.

This point is well stated in a communication to our Department of State by the resident Minister of Colombia, dated May 3, 1913, in which, speaking of the obligation the United States assumed in the Treaty of 1846, he says:

> And this solemn undertaking, to which the United States pledged its public faith, was not a burdening obligation, nor a gratuitous protection, in favor of the rights of Colombia. On the contrary, the undertaking to guarantee [the sovereignty of Colombia on the Isthmus] was established in compensation, IN PAYMENT, of the immense advantages which the United States obtained from Colombia by the said treaty. Your Excellency knows full well the history of your own country, and therefore, it is not necessary for me to remind you that the great development of California and of all the Pacific coast was principally due to the free and untaxed transit across the Isthmus of Panama which the United States secured under the Treaty of 1846. . . .
>
> In truth, it is not possible to find any other international agreement carrying such great advantages and concessions to one of the contracting parties as those that the United States obtained, and which were granted to it by Colombia, principally with a view to obtaining an impregnable guarantee of her undeniable rights of sovereignty and property over the Isthmus of Panama. Such was, on the part of Colombia, the object she had in mind, the intention with which she entered into the Treaty of 1846.

While it may be argued that the interests mentioned belonged to Panama, and that the rights

of Colombia became automatically vested in Panama after the establishment of the new Republic, such an argument is not supported by precedent. Colombian sovereignty on the Isthmus, however, was extinguished not by the revolt of Panama, but through the collusion of the Roosevelt Administration before the event, and the display of force before and after the event. This is the very heart of the question.

It was the solemn duty of the Colombian Congress to reject the Hay-Herran treaty as an unscientific instrument. The rights of neither party were set forth with sufficient definiteness to foreshadow harmony in the application of its provisions in administration. Who but the weaker nation would have had to suffer? Of friction, Colombia had an example in the new construction placed on the Treaty of 1846 in the fall of 1902. Simon Creel's statement in the New York *Sun* on April 3, 1914, is apropos:

> A leetle country never misconstrues a treaty with a big one; that is contrary to self-preservation and the law of nations. A leetle country allus construes a treaty with a big one jest the same from fust to last, strictly in accordance with its original meanin' an' intent; but a big nation aint so gol blamed hide-bound ner bigoted, not by a long sight.

This reflection is suggestive, furnishing the key

which explains Colombia's anxiety—misinterpreted as roguery—during and after the negotiation of the canal treaty.

But the United States benefited enormously by Colombia's rejection as far as concerns its material interests. In the present treaty with Panama, the United States is the *de facto* sovereign of the Canal Zone, and will, in due course, probably become the *de jure* sovereign at the request of Panama. We should, therefore, as already stated, be more than willing to pay $25,000,000 additional to the amount stipulated in the Hay-Herran treaty for these additional benefits.

In the provisions embodied in the present canal treaty, Panama was generous to a fault. It is doubtful if a more one-sided treaty was ever negotiated. Secretary Hay, with the consent of the Junta, gave the United States so much latitude that it is almost equivalent to sovereignty. The United States may use any of the rivers and lakes in the Republic necessary to the canal, and it may acquire additional land outside of the Canal Zone if it is needed for canal purposes. These provisions are broad enough to permit the conversion of the Republic into an adjunct of the canal. If Panama cannot preserve order, the United States

may, at its discretion, use its own military forces to maintain it. The foregoing and other provisions make the so-called Republic of Panama a protectorate of the United States.

One would hardly argue that this increment in the value of the rights America finally acquired in the Canal Zone should be paid to Panama if paid at all. Panama was enabled to grant the rights to the Canal Zone and in the canal littoral that she did only because our Administration wrested her from the sovereignty of Colombia. Sovereignty alone has value. Because of the strategic importance of the Canal Zone, the sovereignty of the Isthmus has tremendous value. Of this value, the United States despoiled Colombia. I repeat, the $25,000,000, if paid to Colombia, will reimburse that country for only a fraction of the value of which she was despoiled.

This is not all. The $25,000,000 will only increase the cost of the canal as a business undertaking. As it is a proper charge to cost, it can be amortized out of revenues.

Roosevelt argues as though the $25,000,000 were a direct charge on the national treasury. It need not, ought not, and will not be if the canal is managed as a business enterprise. As he has only a superficial knowledge of finance, his dis-

cussion of this phase of the problem is especially weak and deserves serious attention only because of his prestige. An adequate title is a part of cost. The $25,000,000 payment provided for in the pending treaty is necessary to give the United States a clear title to the Canal Zone. It is therefore a proper charge to investment in the canal and can be amortized through revenues. The burden will then be borne by the commerce that uses the canal and the commerce of the United States will bear only its proportionate share.

Roosevelt maintains in his article that the $10,000,000 stipulated in the Hay-Herran treaty represented the very outside limit that generosity could fix. This observation presumably applies also to the annuity of $250,000. As the extent of future developements is unknown even to the wisest, it is impossible to say that the amount offered was liberal. The arrangement was, to say the least, grossly unscientific. The State is presumed to live forever and so must act on that basis. This fact alone, if properly understood, justified Colombia in considering the compensation stipulated in the Hay-Herran treaty as unsatisfactory. As already indicated, the Colombia Legation in Washington and the Colombian Senate suggested periodic revaluation of the con-

cession and adjustment by arbitration if not settled by diplomacy. That would have settled the question in harmony with the "square deal," as that expression is understood among experts in public utility finance.

Colombia was then receiving $250,000 a year from the railroad, which was merely continued in the Hay-Herran treaty. She had a reversionary interest in the railroad which would have vested in the United States had the treaty been ratified. Therefore, Colombia was to receive only $10,000,000 for the canal concession and for its reversionary interest in the railroad. This $10,000,000 could have been amortized through revenue so that it would ultimately have cost the United States nothing. The $250,000 would also have been a charge to revenue. Reliable data show that the whole outlay for the canal as a business enterprise can be amortized in about seventy-five years. Yet the income of Colombia, the sovereign, would have remained at $250,000 a year; that of the United States would have been limited only by the degree of its self respect.

The situation just described would have been the same as that found in those American municipalities where perpetual franchises have been unwisely granted, and where hoards of unearned

wealth are being appropriated by private concerns or individuals. Advanced municipalities now grant only indeterminate franchises subject to periodic revaluation, so that the unearned increment in the value of the franchise will be secured by the municipality. The aim is to allow only a reasonable return to the investors. The value of the franchise is created by the community; the return, over and above the reasonable rate on the investment, is therefore appropriated by the municipality. New York City has outstanding franchises of this sort amounting to some half a billion dollars, with reversion attached thereto. This city now makes terms with street-railway corporations less liberal than those that Colombia was willing to accept.

Only a person ignorant of the elementary principles of finance as related to franchises can fail to see that Colombia's suggestion of periodic revaluation was exactly in line with the methods of modern cities. The United States was entitled to a reasonable return on the actual investment. Colombia was entitled to reasonable compensation for the site and a reasonable annuity in proportion to the increasing value of the site. The remainder belonged to collective civilization —the actual creator of the surplus value. This

was the arrangement desired by Colombia, a solution suggested by common sense; our solution was that of the shot-gun—"Ratify the Hay-Herran treaty or you will regret it." In other words, Colombia was informed that if she did not accept dictated terms, our Administration would take the Canal Zone.

As already indicated, advanced municipalities grant only indeterminate franchises subject to periodic revaluation so that the unearned increment in the value of the franchise will be secured by the municipality. According to the Hay-Herran treaty, the increment in value was to be appropriated by the United States in perpetuity. Even Colombia's sovereignty was to be impaired in perpetuity instead of only until she had advanced to stability in administration. She hesitated and desired time to think. She is now reviled for having thus attempted to safeguard her just rights. She was weak and so her sovereign rights were hurled into the scrap-heap by the use of our gunboats.

There seems to have been an obstinate and unreasoning belief on the part of the Roosevelt Administration that the terms offered to Colombia were liberal—generous to a fault. These it attempted to force Colombia to accept. They were

not liberal. They did not take into consideration the possibilities of the future. They ignored the fact that our municipal franchises granted in perpetuity in the past now plague us and that colossal sums of unearned wealth are being appropriated by private interests because of these unwise grants. Colombia was attempting to safeguard her permanent interests against such a blunder as a perpetual grant without periodic revaluation to determine the amount of the annuity to be paid for the said grant.

Clearly the stand taken by our Administration was highly improper. Colombia's attitude was right—was the only position that an intelligent and self-respecting nation could take. When we view the matter from the policy pursued by advanced municipalities in granting franchises—*the emphasis that they place on periodic revaluation*—we are driven to the conclusion that the Roosevelt Administration, in its attempt to force Colombia to accept terms that our own cities have outlawed, acted as a refined grafter.

Territory, which belongs to future generations as well as to the present, should never be surrendered in perpetuity by any government, for otherwise the *dead hand* of the past will control the future, which should be left free and be

allowed to make its own arrangements. It appears conclusive that long-period revaluation of the concession was the only equitable arrangement. This Colombia proposed and our Government refused. In the light of the foregoing, who can reasonably be charged with having attempted blackmail?

Were a railroad company to do what the Roosevelt Administration perpetrated on the Isthmus, it would be summoned before a court of competent jurisdiction. Such a court would disregard the amount paid to the partner in crime and would direct that the value of the property taken from the lawful owner be paid to him with lawful interest. This is the way in which our brigandage on the Isthmus in the fall of 1903 would have been settled if there had been a tribunal with power to determine and enforce justice between sovereign states.

Ex-Minister Du Bois (to Colombia) is authority for the following statement:

> It is a matter of record that Colombia never seriously intended to seize the French company's property, and everybody knows that Colombia wanted the canal dug and wanted the United States to dig it, and had urged it for fifty years.

Sovereignty adequately safeguarded, and such

a matter of loaning the country's credit until the entire cost can be amortized through charges to revenue. The outlay for canal fortifications and other means of protection is more apparent than actual because a given amount of protection with the canal will cost less than the same amount would cost without the canal.

The outlays of the United States for the canal as a business enterprise are not of the nature of an expenditure, but are an investment to be returned at compound interest. The actual outlay of the United States consists of the expenditures for the canal's protection. As the canal will increase the efficiency of our navy and therefore make possible a less expenditure for national protection than would otherwise be necessary, it follows that the canal is not a charge to the national treasury if business principles are adopted and maintained in its management.

As already stated, the United States will have merely loaned its credit to the enterprise, suffering no loss if she manages it properly, becoming, rather, the gainer because as large expenditures for protection as would have had to be incurred will not have to be incurred because of the canal.

Thus, if one scrutinizes the financial aspect, and substitutes the *actual* for the *apparent*, he

will obtain a correct view of the relation of the United States Treasury to the canal. Colombia would have furnished the site; the United States would have furnished the *business ability for pay,* and have loaned its credit. Our outlay is more apparent than actual.

To sum up, Roosevelt beclouds fundamental issues when he discusses the benefits that were to accrue to Colombia, but prefers to remain discreetly silent as to the sacrifices Colombia was asked to make, as we have shown. In addition he exaggerates the sacrifices that the United States has made. His statements as to the financial aspects of the negotiations are grotesque, failing even to attain the dignity of half-truths. Colombia merely insisted on the right to control her own actions and her own possessions, subject only to the equal right of every other nation to do the same; the United States sought to coerce her into granting a concession of her most valuable possession without adequately safeguarding her permanent interests.

Even though the United States had proceeded with the construction of the canal by the Nicaragua route, the concessionary interest of Colombia in the railroad would have remained valuable. In addition to this her reversionary interest in it

would have had an increasing actuarial value. The route would have continued to have value as that of a potential canal. The United States is willing to pay a price for all available canal routes, as the pending treaty with Nicaragua shows, and as the effort to secure a concession on the Atrato route proves. Therefore the statement that the Panama route would not have been worth ten cents had the United States constructed the canal elsewhere is merely picturesque.

Colombia could have voided the Treaty of 1846 and then in the course of time, after a marked development, have disposed of the route to a European country. The United States could not have objected with good grace after refusing to pay for the concession the price determined by an arbitral tribunal.

Calling attention again to the statements of the foregoing excerpt, we will ask which is the more important—the canal site or the capital used in the construction of the canal? Capital, always subject to depreciation and obsolescence, must be renewed through charges to revenue. The amount invested can be amortized through revenue. The site is a permanent ensemble of values, the amount of which will fluctuate with the ebb and flow of commercial progress. As the site

did not belong to the United States, it did not have the right to determine the price. To fix the price belonged to the owner, who, however, magnanimously offered to leave it to the arbitrament of a neutral third party.

Roosevelt's argument that our large investment there alone made the site valuable is altogether unwarranted. The site made the investment possible and therefore had coördinate importance with the capital invested. Our former President may know which blade of a pair of scissors is the more important, but those of us who are not equally gifted can only feel that the two blades are of coördinate importance.

We prohibited European countries from cooperating in the construction of the canal by the Panama route, thus obligating ourselves to join Colombia in submitting the question of the compensation to be paid for the concession to an impartial tribunal if it could not be arranged by mutual agreement. This our Administration refused to do. We actually barred coöperation by France in the construction of the Panama Canal and insisted on sale of the route to us on terms dictated by us. We refused to acquiesce in the terms proposed by Colombia, though they seem reasonable when intelligently scrutinized. What

is our attempt to force our own terms upon Colombia but an unconscious attempt at blackmail?

Not unlike the cry of "Stop thief!" on the part of the actual culprit who seeks to divert attention is the charge of blackmail in this connection. Resisting the encroachment of the United States, Colombia sought to preserve her sovereignty over the Isthmus, thus standing for the maintenance of international law and adherence to the fundamental principles of justice. The United States acted as the Captain Kidd of civilization. Colombia sought to safeguard her rights on the Isthmus and requested that our Administration join her in submitting compensation for leasehold rights to the Canal Zone to arbitration.

The solution of our Government was, however, that of the shot-gun—*gunboats in Isthmian waters.* Colombia was telegraphed: "Ratify the treaty [Hay-Herran] or you will regret it." In other words, Colombia was informed that if she did not accept the terms dictated by the Roosevelt Administration, the latter would take the Canal Zone. It was taken. The book now in the hands of the reader tells, in unvarnished English, the story of how *"I [Roosevelt] took the Canal Zone."*

The financial terms pressed upon Colombia were unscientific. Determination by an impartial tribunal of the amount to be paid her was refused. The political terms insisted upon were humiliating. And these terms were to be in perpetuity, and not subject to periodic reconsideration with provision for arbitration if not mutually arranged. The critical student of institutions finds nothing in the conduct of the Roosevelt Administration to commend; rather does he find much to condemn. Under a veneer of respectability, it secured title to the Canal Zone, sandbagging Colombia and despoiling her of her choicest possession.

Is Colombia entitled at the present time to compensation for the group of values that we have enumerated? We will let Roosevelt furnish the key with which to answer this question. In a speech delivered at the University of California on March 23, 1911, he said:

> I am interested in the Panama Canal because I started it. If I had followed traditional conservative methods I should have submitted a dignified state paper of probably 200 pages to the Congress, and the debate would have been going on yet. *But I took the Canal Zone,* and let Congress debate, and while the debate goes on the Canal does also.

"I took the Canal Zone!" This is the key;

argument is unnecessary; the political crime is admitted, leaving nothing to arbitrate, leaving only damages to be assessed. They should be assessed by an impartial tribunal. By paying the amount determined in this way the United States can restore her honor, refusing to be satisfied with paying less than the amount properly determined. Colombia ought not to be compelled to accept less. This is the reparation that a man of high character would make to another whom he had injured. Colombia is powerless. She cannot exact justice. Our adjustment of this matter is the measure of our national character. It pays to be just.

By way of closing our argument on the charge of blackmail, we commend to Roosevelt's prayerful attention the following excerpt taken from Shakespeare:

> Who steals my purse steals trash; 'tis something, nothing;
> 'Twas mine, 'tis his, and has been slave to thousands;
> But he that filches from me my good name
> Robs me of that which not enriches him
> And makes me poor indeed.

The Panama route was merely an alternative one. Roosevelt discusses the provisions in the Spooner law which directed him to construct the canal by the Nicaragua route if he could not

secure satisfactory title for the one at Panama. He says:

> I was directed to take the Nicaragua route, but only if within a reasonable time I could not obtain control of the necessary territory of the Republic of Colombia upon reasonable terms; the direction being explicit that if I could not thus get the control within a reasonable time and upon reasonable terms I must go to Nicaragua. Colombia showed by its actions that it was thoroughly acquainted with this fact, and eagerly demanded and entered into a treaty with the United States, the Hay-Herran treaty, under which $10,000,000 was the price stipulated to be paid in exchange for our acquiring the right to the zone on which to build the canal.

Are the facts concerning the agreement of the representatives of the two countries on the Hay-Herran treaty correctly stated by Roosevelt? What does the letter of Secretary Hay to the *chargé d'affaires* Herran of the Colombian Legation indicate? This letter is dated January 22, 1903, and reads:

> I am commanded by the President to say to you that the reasonable time that the statute accords for the conclusion of negotiations with Colombia for the excavation of a canal on the Isthmus has expired, and he has authorized me to sign with you the treaty of which I had the honor to give you a draft, with the modification that the sum of $100,000, fixed therein as the annual payment, be increased to $250,000. I am not authorized to consider or discuss any other change.

Was it the United States, or was it Colombia

who *entered eagerly* into the agreement known as the Hay-Herran treaty? All has not yet been said. The New York *World* is authority for the statement that Cromwell, representative of those interested in the canal company, called on Herran the same day that he received the foregoing note and informed him that if he did not accept the terms offered by the United States, Colombia would lose everything, as the United States had decided to proceed with the construction of the canal by the Nicaragua route. How did Cromwell know? Who told Cromwell of the ultimatum? *Again,* how did he know the day, yea, and the hour, that the ultimatum was dispatched? Can it be that financial buccaneers and our Department of State were in collusion to dragoon the representative of Colombia into signing an unsatisfactory treaty?

Cromwell and Herran called at Secretary Hay's private residence that evening and there signed the Hay-Herran treaty. Three days later Dr. Herran received this telegram from his Government:

> Do not sign canal treaty. You will receive instructions in letter of to-day.

The writer adopts the following comment of the New York *World* as his own:

The Colombian Government never in any way, shape or form approved the Hay-Herran treaty. It maintained the position it had taken from the first that the canal and railroad companies would have to pay Colombia for the right to transfer their concessions to the United States.

Through the omnipresent Cromwell it had been ascertained by our Government that the acting Minister of Colombia had instructions from his Government to sign the projected canal treaty if it was accompanied by an ultimatum. The Hay-Herran treaty was signed by Dr. Herran with the reservation that it would be submitted to the Colombian Congress for its untrammeled action. Our Government knew that the instrument when signed was unsatisfactory to the Colombian Government and that it would not be ratified by the Colombian Congress without pressure, if at all.

Roosevelt tells us that as early as August, 1903, he commenced to consider what course to advise the Congress to pursue in view of the fact that ratification of the Hay-Herran treaty seemed then improbable. He felt that several situations might develop. They are stated in his message of January 4, 1904. The portion of his statement that proves duplicity reads:

One was that Colombia would at the last moment see the unwisdom of her position. That there might be nothing omitted, Secretary Hay, through the Minister at

Bogotá, repeatedly warned Colombia that grave consequences might follow from her rejection of the treaty. . . .

A second alternative was that by the close of the session on the last day of October, without the ratification of the treaty by Colombia and without any steps taken by Panama, the American Congress on assembling early in December would be confronted with a situation in which there had been a failure to come to terms as to building the canal along the Panama route, and yet there had not been a lapse of a reasonable time—using the word reasonable in any proper sense.

In January, 1903, the reasonable time had expired, and so Dr. Herran had to be overawed and had to be induced to sign a treaty without first consulting his Government. Seven months later the reasonable time had not yet elapsed and would not elapse until the Congress had been consulted. And this slippery method of securing the signature of Herran to the Hay-Herran treaty we are solemnly assured was in harmony with all the accepted canons of ethics!

Roosevelt feels indignant that his actions which eventuated in our securing the Canal Zone should be condemned. He gives voice to his feelings in the following:

There are in every great country a few men whose mental or moral make-up is such that they always try to smirch their own people, and sometimes go to the length of moral treason in the effort to discredit their own

national government. A campaign of mendacity was started against this treaty from the outset by certain public men and certain newspapers. One of the favorite assertions of these men and newspapers was that the United States Government had in some way or other instigated, and through its agents been privy to, the revolutionary movement on the Isthmus. The statement is a deliberate falsehood, and every man who makes it knows that it is a falsehood. . . .

Even had I desired to foment a revolution—which I did not—it would have been wholly unnecessary for me to do so. The Isthmus was seething with revolution. Any interference from me would have had to take the shape of preventing a revolution, not of creating one. All the people residing on the Isthmus ardently desired the revolution. The citizens of Panama desired it. Every municipal council, every governmental body the citizens themselves could elect or control, demanded and supported it.

Not only does Roosevelt obstruct the restoration of national honor by opposing the making of reparation to Colombia, but he prevents the truth about the method employed to secure the Canal Zone from becoming known. Therefore, criticism of him persists. It will persist until our national honor has been taken out of pawn in which he placed it when he *"took"* the Canal Zone by force.

In another chapter we will show that no revolution on the Isthmus was projected or eventuated. The Province of Panama merely established a government independent of that of Co-

lombia after the details had been arranged. Our Administration used the navy to prevent Colombia from exercising the right of sovereignty in this Province after its Declaration of Independence, and interfered with its exercise before that date.

Let there be no misunderstanding. There was no revolution on the Isthmus in the fall of 1903. No revolution was projected and none eventuated. The Province of Panama seceded from Colombia after assurance from our Administration that it would protect secession within forty-eight hours after the Declaration of Independence. This protection was extended earlier than agreed to—on November 3–5, 1903. Colombia was overawed by the display of overwhelming force. The so-called Republic of Panama was organized as a protectorate of the United States under a pretense at revolution. Pretense at revolution, as that term is understood in history, is not revolution. It is the rape of a weak nation by a stronger one. It is international burglary under a veneer of respectability.

The Isthmus did not seethe with revolution. No real revolution had even been contemplated. Du Bois, our Ex-Minister to Colombia, states:

> I say, and can prove it, that a handful of men, who

were to be the direct beneficiaries of the revolution, conceived it, and not the hundredth part of the inhabitants of the Isthmus knew of the revolt until an American officer, in the uniform of the United States army, raised the flag of the new republic.

An excerpt from an American newspaper published in Colon throws light on the subject. It effectually disposes of Roosevelt's: "The Isthmus was seething with revolution." It reads as follows:

When the inhabitants awoke in the morning [November 4, 1903] after a night of undisturbed slumber, they little dreamt that their tranquillity would be disturbed ere the setting of the sun. But it is the unexpected that often occurs. It was so in the present case. With the assurance of peace in the country there was nothing known yesterday to the public of Colon to have aroused any misapprehension. But the disquieting news which had been flashed across the wire from Panama had leaked out, and in a very short time it had spread throughout the whole town. The news was to the effect that Panama had declared its independence on the afternoon of the 3d instant. To one and all the news came like a bolt from a clear sky. No one cared to talk or express an opinion. Such was the gravity of the situation.

This newspaper clipping is taken from a speech delivered in the Senate by the late Senator Carmack. His comment in connection therewith sizzles with irony, an excerpt from which follows:

That was the condition of the people who were rising there with unexampled unanimity, rising as one man

against the terrible tyranny of Colombia. The news that they were conducting a revolution came to that people like a bolt from a clear sky. No inhabitant dared to express an opinion about the revolution. They rose as one man . . . but the one man was in the White House.

Evidence of this character should be cumulative. Elsewhere we will give data which match so perfectly with those given here that the conclusion is irresistible. We will close this line of evidence with the following clipping from the New York *Tribune,* dated December 28, 1903:

The secessionist movement began with three men, and was executed under the supervision of those three and four others, the seven working under the advice and counsel of four Americans. Before the *coup d'état* others were, perforce, taken into the secret; but so closely were the plans guarded that those who were really in the secret and knew definitely the details might be counted on the fingers of the two hands. This brings us to the revolution itself, and introduces the strongest of all contradictions discoverable in connection with the birth of this national infant. The uprising took place on the 3d day of November, being initiated by the arrest of Generals Tovar and Amaya and Governor Obaldia, which took place in the City of Panama. That city knew, of course, what had occurred the moment the arrests were effected, but Colon was kept in ignorance of the secession until the following day. It was on the 4th of the month that the public meeting was held in the cathedral plaza, Panama, the independence of the Republic proclaimed, and the declaration of independence, or manifestation, as they call it here, was signed.

Bearing in mind the fact that seven men, aided by the soldiers and others whose support to the movement had

been purchased with dollars, were alone responsible for the sudden revolution in the political status of Panama, one may wander away down a stretch of not uninteresting inquiries. Were the people of other provinces consulted as to what it was proposed by the secessionists to do? They were not. Were the people, speaking in general terms, of the Provinces of Colon and Panama let into the secret? They were not. They knew, by general rumor, that a revolution was on the tapis, but they had not been consulted nor their advice asked as to the wisdom or unwisdom of what was contemplated. Was a provisional Congress composed of delegates from the several provinces held for the purpose of debating the project and framing a bill of separation? Nothing of the kind was ever thought of. . . .

The little band of secessionists let the members of the city council of Panama into their secret late in October, when it became evident that a blow would have to be struck very soon or be forever withheld. These city councilmen—eleven in number—were willing to further the project, so that when the public meeting was held in the Cathedral plaza, Panama, on November 4, they were all in attendance. They, too, were the first to sign the declaration of independence, and immediately after that formality they adjourned across the street to the municipal building and went into session behind closed doors. Their first act then was to pass the declaration, which had already been engrossed in a book of record, and to append their names to the engrossed copy. This done, the city council appointed the three members of the provisional governing junta, authorizing them to take charge of the affairs of the new Republic. The junta assembled at once and named the members of the provisional cabinet, and the new Republic became a fact. On the same day Porfirio Melendez had taken charge of affairs at Colon as provisional governor appointed by the junta; but outside of the Cities of Panama and Colon and along the line of the Panama Railroad the people of the new Re-

public were in entire ignorance of the fact that they were no longer subjects of Colombia.

It seems almost incredible that the municipal council of a city of fewer than 25,000 people should take unto themselves the right to create a Republic out of a territory equal in area to the State of Indiana [population 300,000]; but that was what was actually done in this case. Instead of a provisional congress, the city council of Panama passed the act of independence. Every legislative formality incident to the creation of this Republic was performed by these city councilmen, no portion of the new Republic, except the City of Panama, having a voice, by representation, in what was done. Nor has any other portion of the new Republic had such a voice to this day. No congress had been called to ratify the secession, nor has any one of the seven provinces been requested to assemble, in council or by mass-meeting, to pass an act of ratification. . . .

Immediately after the creation of the Republic and the appointment of the junta by the city council of Panama, the junta took steps to this end. Emissaries were sent into the different provinces to proclaim the establishment of the Republic. These emissaries were effective orators —as are nearly all the people of these southern countries. They toured along both coasts, east and west, and stopped at the principal cities. . . .

In each of these cities the emissary would, upon his arrival, employ the local band of musicians. Taking a stand in the principal plaza he would draw the crowd by the band's efforts, and when a number sufficient for his purposes had assembled, he would read the declaration of independence. Following the reading would come his harangue, the burden of which was that the establishment of the Republic meant the construction of the ship canal by the United States across the Isthmus, and that the construction of this canal meant that the United States would have to pay to the Republic a sum of money sufficient to make all of the people rich and prosperous. . . .

He never failed to elicit enthusiastic responses in approval of what had been done. The business of the emissary was then to report to the junta that the people of that city accepted the Republic and gloried in its creation.

And all the people resident on the Isthmus ardently desired the revolution! We are not told that *all* included merely all of an inner circle in Panama and a fringe of adventurers. Had not our Administration collaborated with that inner circle through Bunau-Varilla as intermediary there would be no Republic of Panama to-day.

We now take up arguments of the article referred to in the title to this chapter which are not directly apropos to the main theme of this book, but which are here discussed in order to show more fully that the public statements of Roosevelt concerning the acquisition of the Canal Zone must be discounted.

Seeking means to discredit the Wilson Administration, Roosevelt takes up, in this article, its policy on the canal tolls. The excerpt which follows is representative of his inaccurate and misleading statements:

The Administration has succeeded in getting Congress to take the position that the United States has no special rights in its own canal. It now proposes by treaty to get

without charge. Yet Roosevelt comments on this provision in the treaty as follows:

> To grant such a right to both Colombia and Panama was permissible so long as we also insisted on exercising it ourselves, on the grounds set forth by the then Secretary of State, Mr. Root, in his note to the British Government of January 16, 1909. In this note Secretary Root took the ground that the United States had the right to except from "coming within any schedule of tolls which might thereafter be established" the ships of the powers entering into the agreement necessary in order to give title to the land through which the canal was to be built, and to authorize its construction and the necessary jurisdiction or control over it when built. These nations were Panama, Colombia and the United States. Since then the present Administration has surrendered the right so far as the United States is concerned; and yet it proposes to give to the most envenomed opponent of the building of the canal rights to its use which are denied to the power giving the rights. In other words, the Administration says that our people who built the canal can give to others rights which they dare not themselves exercise. Such a position is a wicked absurdity.

The foregoing statement is a distortion of the truth. It is so unutterably false that it staggers belief. In the note of Secretary Root, mentioned by Roosevelt, it is stated:

> The United States has found it necessary to renew the reservation of the specific right of Colombia to send its warships through the canal without the payment of dues, which has been insisted upon by that country in every concession and treaty she has made regarding
>
> * * *

In agreeing to accord to Colombia this reservation, the United States is not dealing with the general subject of canal tolls. It is treating Colombia, for the reasons which I have described, as being in a wholly exceptional position, not subject to the rule of equality of the Hay-Pauncefote treaty and not to come within any schedule of tolls which may hereafter be established, which must, of course, under the treaty, be equal for all nations to whom the rule of equality is properly applicable.

The Root note and the treaty drafted in conformity therewith merely designed to exclude the public vessels of Colombia from coming within any schedule of tolls which might hereafter be established. The public vessels of Panama were already excluded by treaty. Those of the United States were excluded because they are engaged in maintenance and protection. It is thus clear that the Roosevelt Administration proposed to do just what the Wilson Administration proposes to do, that is, grant free transit to the public vessels of Colombia in the use of the canal.

The foregoing excerpt from the Root note can only be fully understood when examined in connection with the subject matter to which it refers. This subject matter was the following paragraph from the draft of a treaty then negotiated with Colombia but not ratified:

The Republic of Colombia shall have liberty at all times to convey through the ship canal now in course of con-

struction by the United States across the Isthmus of Panama the troops, materials for war, and ships of war of the Republic of Colombia, without paying any duty to the United States, even in the case of an international war between Colombia and another country.

The reply to the Root note by the British Government shows conclusively that only the public vessels of Colombia were under consideration, and that Roosevelt's distinguished Secretary of State did not intend to include in the contemplated exemption any vessels of commerce. In the tolls-exemption repeal, nothing was surrendered by the United States. It merely restored a treaty that had been made a *scrap of paper* by the previous Administration. The British note reads:

His Majesty's Government are content to note that the United States Government hold that the right of the free passage for warships which the present treaty proposes to extend to Colombia is deemed by them to grow out of the entirely special and exceptional position of Colombia toward the canal and the title thereto, and accordingly does not constitute a precedent, and will not hereafter be drawn into a precedent, for the exception of any other nation from the payment of equal dues for the passage of war vessels in accordance with such schedules as shall be hereafter constituted in conformity with the Hay-Pauncefote treaty, or for any other concession of a special nature to Colombia or to any other power.

I have accordingly the honor of stating to you that His Majesty's Government consider that they can forego the making of such a protest as they had formerly contem-

plated, and that they accept the assurance contained in your note.

Nor is this all. The claim that the public vessels of the United States could not pass through the canal free of charge was never put forward by Great Britain. In order to remove all doubt on this point Secretary Knox wrote:

It is not believed, however, that in the objection now under consideration Great Britain intends to question the right of the United States to exempt from the payment of tolls its vessels of war and other vessels engaged in the service of this Government. Great Britain does not challenge the right of the United States to protect the canal. United States vessels of war and those employed in Government service are a part of our protective system. By the Hay-Pauncefote treaty we assume the sole responsibility for its neutralization. It is inconceivable that this Government should be required to pay canal tolls for the vessels used for protecting the canal, which we alone must protect. The movement of United States vessels in executing governmental policies of protection are not susceptible of explanation or differentiation. The United States could not be called upon to explain what relation the movement of a particular vessel through the canal has to its protection. The British objection, therefore, is understood as having no relation to the use of the canal by vessels in the service of the United States Government.

Great Britain assented to this construction of the Hay-Pauncefote treaty. Therefore, the right of the United States to pass its public vessels through the canal free of charge was not even questioned. Vessels engaged in the coastwise

trade are not public vessels, and so do not come within the purview of the Root note.

The actual canal situation is as follows: The public vessels of the United States and of Panama are exempt from the payment of tolls. It is proposed, in the pending treaty, to extend the same right to the public vessels of Colombia. The public vessels of all *other* countries must pay the established rate. The vessels of commerce of all nations are on the same footing in the use of the canal—all privilege is barred. In the event of war, the United States has the exclusive use of the canal for military purposes. The United States is, therefore, the only nation that has special rights in the use of the canal, that is, during a war in which she is a belligerent. Accordingly the situation is just the opposite from that indicated by Roosevelt.

Equality in the commercial use of the Panama Canal is provided for in two treaties: One, signed, ratified and proclaimed (Hay-Pauncefote treaty); the other, negotiated, signed, ratified and proclaimed (Hay-Bunau-Varilla treaty) while Roosevelt was President. Roosevelt is criticizing an Administration which is merely observing the treaties, as they stand, which were entered into during his Administration.

The weakness of Roosevelt's contention in the passages so far quoted in this chapter is found in the effort he has put forth to confuse. Why is not this effort put forth to clear up circumstances that have a suspicious look? For instance, the cablegram to the commander of the *Nashville* on October 30, 1903, ordering him to proceed to Colon, is missing. What became of it? And what was its relation to the journey of Bunau-Varilla from New York to Washington the previous night?

We deal with the contents of some of the foregoing excerpts more fully in other chapters. Space does not permit us to deal with the entire mass of stuff that has been injected into the controversy for the purpose of concealing the theft of the Canal Zone. The following from the article is typical:

The land could not have been acquired and the canal could not have been built save by taking precisely and exactly the action which was taken. Unless the nation is prepared heartily to indorse and stand by this action, it has no right to take any pride in anything that has been done on the Isthmus and it has no right to remain on the Isthmus. If there is a moral justification for paying Colombia $25,000,000, then there is no moral justification for our staying on the Isthmus at all and we should promptly get off. If President Wilson and Secretary Bryan are right in their position, then they have no business to take part in any ceremony connected with open-

ing the canal; on their theory they would be engaged in the dedication of stolen goods.

We cannot see that a work of art ceases to be a masterpiece because it was painted on stolen canvas. The painting remains a thing of beauty without regard to the method used in getting the canvas on which it was painted. In praising the work of art we do not condone the act of the burglar. It is merely necessary to compensate properly the original owner of the canvas. We are not prevented from admiring the skill of our civil and sanitary engineers because our Administration "*took*" (did not secure by due process of law) the Canal Zone. It is merely necessary that the owner be compensated for loss suffered.

We have now examined a number of excerpts from the article under consideration and have shown that they are grossly inaccurate. Similarly, the whole article is a collection of garbled, inaccurate and misleading statements. It deceives those who believe it to be a truthful examination of a phase of our foreign policy. It conveys a false impression. We will conclude direct consideration of the article by commenting on its closing paragraph:

As a matter of fact, every action we took was not only open and straightforward, but was rendered absolutely

necessary by the misconduct of Colombia. Every action we took was in accordance with the highest principles of national, international, and private morality. The honor of the United States, and the interest not only of the United States but of the world, demanded the building of the canal. The canal could not have been built, it would not now have been begun, had our Government not acted precisely as it did act in 1903. No action ever taken by the Government, in dealing with any foreign power since the days of the Revolution, was more vitally necessary to the well-being of our people, and no action we ever took was taken with a higher regard for the standards of honor, of courage, and of efficiency which should distinguish the attitude of the United States in all its dealings with the rest of the world.

If the cause of the United States was so just, why did not Roosevelt as President welcome the opportunity to submit it to arbitration? On December 23, 1903, Colombia proposed that the entire matter be submitted to the Arbitration Tribunal of The Hague. From that date to March 4, 1909, Roosevelt had the opportunity to vindicate his course by joining Colombia in submitting the matter to an impartial tribunal for adjudication. *He refused*—refused to submit what he calls a just cause to an arbitral tribunal for decision. We are thus warranted in asserting that his protestations lack sincerity.

The foregoing paragraph from the article under review reminds one of an observation made by Samuel Weller concerning veal pie:

Werry good thing is weal pie, when you know the lady as made it, and is quite sure it ain't kittens.

Are the protestations of Roosevelt what they profess to be? What is the value as evidence of statements made by him concerning the *opera bouffe* revolution on the Isthmus? It is one of the purposes of this chapter to answer this question. We will give further data bearing on the question from his discussion of the Hague conventions and the duty of the United States in regard to their enforcement. In the *Independent* of January 4, 1915, he writes:

To violate these conventions, to violate neutrality treaties, as Germany has done in the case of Belgium, is a dreadful thing. It represents the gravest kind of international wrongdoing, but it is really not quite so contemptible, it does not show such short-sighted and timid inefficiency, and above all, such selfish indifference to the cause of permanent and righteous peace, as has been shown by the United States (thanks to President Wilson and Secretary Bryan) in refusing to fulfill its solemn obligations by taking whatever action was necessary in order to clear our skirts from the guilt of tame acquiescence in a wrong which we had solemnly undertaken to oppose.

If I had for one moment supposed that signing these Hague conventions meant literally nothing whatever beyond the expression of a pious wish which any power was at liberty to disregard with impunity in accordance with the dictation of self-interest I would certainly not e permitted the United States to be a party to such a ievous farce. President Wilson and Secretary , however, take the view that when the United

States assumes obligations in order to secure small and unoffending neutral nations against hideous wrong, its action is not predicated on any intention to make the guarantee effective.

They take the view that when we are asked to redeem in the concrete promises we made in the abstract our duty is to disregard our obligations and to preserve ignoble peace for ourselves by regarding with cold-blooded and timid indifference the most frightful ravages of war committed at the expense of a peaceful and unoffending country. This is the cult of cowardice.

What is the cult of Roosevelt? Does not a shorter word than "cowardice" correctly express it? It is sad that a person of so great prestige should bear false witness on questions of foreign relations. In his book entitled "America and the World War," Roosevelt criticizes President Wilson as follows:

In his over anxiety not to offend the powerful who have done wrong, he scrupulously refrains from saying one word on behalf of the weak who have suffered wrong. He makes no allusions to the violation of the Hague Conventions at Belgium's expense, although this nation had solemnly undertaken to be a guarantor of those conventions.

What are the facts about the Hague Conventions? What are the obligations assumed by the United States in signing some of them? We will let William Bayard Hale answer these questions:

Thus rashly and violently writes Mr. Roosevelt. Ignorant of the fact that The Hague rules regarding neutral-

ity, . . . regarding everything which troubles Mr. Roosevelt and saddens us all, have never been ratified by Great Britain, nor by France, nor by Belgium, and that by their own provision these articles are binding only if ratified by all belligerents; ignorant likewise of the fact that the United States, in ratifying certain of The Hague rules, added the express stipulation that the action was not to be taken as involving this Government in any way in an obligation to enforce their observance on other powers.

Is the United States the guarantor of the Hague Conventions? Or, is this nation only obligated to observe those it signed? *These conventions were signed during the Roosevelt Administration with the understanding that the United States was under no obligation to enforce their observance by others.* By observing those it signed the United States complies with every obligation assumed. *It is not the guarantor of a single Hague Convention.*

Does not Roosevelt rely on the absence of accurate information among his readers and their inability to detect garbled, misleading and false statements in bearing false witness against the present Administration? His arguments in the article which has just been under consideration rest on as shadowy a foundation as his assertions about the Hague Conventions. His statements and conclusions contained therein are an affront

to readers informed on vital facts. Prof. Chancellor of the University of Wooster supplements the statement of William Bayard Hale as follows:

> When a nation is a party to a guarantee of neutrality, whether explicit or implicit, such participation guarantees only the action of the nation, and does not bind such a nation to enforce upon other nations the continued recognition of such neutrality. The independence of nations is a more complete and integral independence than that of individuals. If explicitly or implicitly the United States has ever been a party to the guarantee of Belgian neutrality, all that this means is that for ourselves we should recognize that neutrality. It might be conclusively shown that we have never guaranteed that Belgian neutrality must be recognized by Germany and Austria and Hungary. Here former President Roosevelt has fallen into pernicious error. Common sense is against any doctrine of international law that should make one nation the keeper of the consciences of other nations. The law of nature is against any undertaking by the United States to regulate the morals of Germany, of Mexico, and of such other nations as may from time to time or synchronously lose the ability to consider and parley, and in sheer default of thought and talk seize the sword.

The conference at The Hague, in 1907, elaborated fifteen Conventions. The delegates of the United States signed only twelve of these. No nation became the guarantor of any of these conventions. That was neither the nature nor purpose of the conference. The signers merely obligated themselves to obey the Conventions they

signed under the general reservation determined by the conference as stated in the foregoing excerpt by William Bayard Hale. One of these conventions the delegates from the United States signed with the following special reservation:

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

These are the facts concerning the Hague Conventions. Is Roosevelt merely mistaken concerning their import? It taxes credulity to believe that observations similar to those of William Bayard Hale and Professor Chancellor entirely escaped his notice. Yet we find in his statement at or near the Military Instruction Camp at Plattsburgh on August 25, 1915, his false assertions about our obligations under The Hague Conventions, reasserted in the following form:

> Let us treat others justly and keep the engagements we have made, such as those in The Hague Conventions, to secure just treatment for others. . . .
>
> Under The Hague Convention it was our bounden duty to take whatever action was necessary to prevent and,

if not to prevent, then to undo, the hideous wrong that was done to Belgium. We have shirked this duty. . . .

For thirteen months America has played an ignoble part among the nations. We have tamely submitted to seeing the weak, whom we had covenanted to protect, wronged.

In the Metropolitan Magazine for October, 1915, Roosevelt defends his earlier assertions concerning The Hague Conventions as follows:

If no duty had been expressly imposed upon the United States in this matter, we ought nevertheless to have acted in accordance with the generous instincts of humanity. But as a matter of fact such a duty was expressly imposed upon us by the Hague Conventions. The Convention, signed at The Hague October 18th, 1907 * [footnote refers to pages 133-144 of "The Hague Conventions and Declarations" edited by James Brown Scott], begins by saying that "His Majesty the German Emperor, King of Prussia," and the other signatory powers, including France, Belgium, Russia and the United States, have resolved to conclude a Convention laying down clearly the rights and duties of neutral powers in case of war on land. Article 1 runs: "The territory of neutral powers is inviolable." Article 5 states that a neutral power "must not allow belligerents to move troops across its territory." Article 10 states that "the fact of a neutral power resisting even by force attempts to violate its neutrality cannot be regarded as a hostile act." Article 7 states that "a neutral power is not called upon to prevent the export or transport on behalf of one or other of the belligerents of arms, munitions of war or in general of anything which could be of use to an army or a fleet." This Convention was ratified by Belgium on August 8th, 1910; by France on October 7th, 1910; by Germany, the United States and Russia on November 27th, 1909. . . .

A treaty is a promise. The signing powers make promises each to the others and each to each of the others in such a case as this. Germany had promised France, Belgium, the United States and Russia that it would treat the territory of a neutral power (in this case Belgium) as inviolable. Germany violated this promise. Belgium had promised Germany, the United States, France and Russia that it would not permit such violation of its neutrality as Germany committed. Belgium kept its promise. Germany had promised that if a neutral power (Belgium) resisted by force such an attempt as it, Germany, made to violate its neutrality, Germany would not regard such an act as hostile. Germany broke this promise. When Germany thus broke her promises, we broke our promise by failing at once to call her to account. The treaty was a joint and several guarantee, and it was the duty of every signer to take action when it was violated; above all it was the duty of the most powerful neutral, the United States.

An exact reproduction of those articles of The Hague Conventions which are vital is the best answer to the foregoing excerpt from Roosevelt's article. Therefore, we will reproduce them and print in italics the paragraph of Article 5 which is omitted. This paragraph shows that the intent of this Convention (No. 5) is just the opposite of the foregoing assertion by him. The articles from this Convention which are apropos follow:

ARTICLE I

The territory of neutral powers is inviolable.

ARTICLE 2

Belligerents are forbidden to move troops or convoys, whether of munitions of war or of supplies, across the territory of a neutral Power.

ARTICLE 4

Corps of combatants must not be formed, nor recruiting agencies opened, on the territory of a neutral Power, to assist the belligerents.

ARTICLE 5

A neutral Power must not allow any of the acts referred to in Articles 2 and 4 to occur on its territory.

It is not called upon to punish acts in violation of the neutrality unless such acts have been committed on its own territory.

The closing paragraph of Article 5 shows that the United States is not the guarantor of The Hague Conventions as alleged by Roosevelt. Reiteration does not convert false statements into truth whether the false statements are due to error or to sinister political propaganda to discredit an official of exalted moral purpose, as is this propaganda against our esteemed President —*propaganda buttressed by falsehood of the basest character.* The United States is *not* the guarantor of the Hague Conventions. This is self-evident to a student of American diplomacy. Roosevelt knows something about diplomacy. We are, therefore, warranted in inferring that he is attempting to discredit the Wilson Admin-

istration by statements known to him to be false. His conduct seems to come under the following condemnation penned by himself:

> There are in every great country a few men whose mental or moral make-up is such that they . . . go to the length of moral treason in the effort to discredit their own national government.

One is not warranted in expecting accuracy from Roosevelt where nothing is recorded, since he makes assertions easily contradicted by documentary evidence. In order to have value as evidence, it is apparent that any statement made by him relative to the part his Administration played in the creation of the so-called Republic of Panama must have substantial corroboration.

For an individual to tell a falsehood and repeat it in various ways consistently for any length of time is difficult. It is impossible for a number of individuals to do so. These are facts not sufficiently taken account of by Roosevelt when his Administration coöperated in planning the *opera bouffe* revolution on the Isthmus. It is the weakness in the armor used to defend his Administration. There are too many established facts which become consistent only when viewed in the light of an understanding between his Administration and those sponsor for the secession

movement on the Isthmus. The understanding was oral—was not reduced to writing. Oral understandings, however, result in historical facts. The meaning of these facts will be disclosed by historical research. Historical research shows that our Administration in 1903 was in collusion with the separatists on the Isthmus to effect the secession of the Province of Panama from Colombia in order to establish it as a protectorate of the United States.

In this and other chapters of this work, we have applied the method suggested by President Wilson in an address delivered before the United States Chamber of Commerce:

> I agreed with a colleague of mine in the Cabinet the other day that we had never before in our lives attended a school to compare with what we were now attending for the purpose of gaining a liberal education.
>
> Of course, I learn a great many things that are not so. But the interesting thing about it is this: Things that are not so do not match. If you hear enough of them you see there is no pattern whatever—it is a crazy quilt; whereas the truth always matches, piece by piece, with other parts of the truth. No man can lie consistently, and he cannot lie about everything if he talks to you long. So that I would guarantee that if enough liars talked to you, you would get the truth, because the parts that they did not invent would match one another, and the parts they did invent would not match one another. If they talked long enough, therefore, and you saw the

connections clearly enough, you could patch together the case as a whole.

It is the mature judgment of the writer that statements made by Roosevelt concerning the establishment of the so-called Republic of Panama must be corroborated to have value as historical evidence. Statements not corroborated must be discounted or, as statisticians would say, be weighted in order to determine their value. In this work, the writer has given statements of Roosevelt only the importance which analysis, criticism, and weighting attach to them.

The writer finds substantially his own view expressed by Mark Twain in a letter written to his friend, Rev. Joseph Twichell, and given a place in "Mark Twain, a Biography" by Albert Bigelow Paine:

> Dear Joe,—I knew I had in me somewhere a definite feeling about the President. If I could only find the words to define it with! Here they are, to a hair—from Leonard Jerome:
>
> "For twenty years I have loved Roosevelt the man, and hated Roosevelt the statesman and politician."
>
> It's mighty good. Every time in twenty-five years that I have met Roosevelt the man a wave of welcome has streaked through me with the hand-grip; but whenever (as a rule) I meet Roosevelt the statesman and politician I find him destitute of morals and not respect-worthy. It is plain that where his political self and party self are concerned he has nothing resembling a conscience; that

under those inspirations he is naïvely indifferent to the restraints of duty and even unaware of them; ready to kick the Constitution into the backyard whenever it gets into his way.

The bearing of false witness against a national administration on vital questions of foreign policy during a world-crisis like the present is as repugnant to a man of exalted moral purpose as is collaboration with separatists of another country to effect the secession of a province. With this conclusion in the foreground we will close the chapter with the following conclusion in the background. If Isthmian events point to collusion between the Roosevelt Administration and the separatists on the Isthmus to effect the secession of the Province of Panama from Colombia, and to establish it as a protectorate of the United States called a Republic, the character of the President is not a bar to belief in such collaboration.

Chapter III

President Roosevelt Attempted To Coerce Colombia

In this chapter, we deal primarily with the method employed to secure the ratification of the Hay-Herran treaty, to which the signature of the *chargé d'affaires* of Colombia was obtained through an ultimatum that should have been addressed to his Government. The method was *sui generis.* We believe that the following excerpt from the pen of Roosevelt warrants the conclusion that he was responsible for it:

> When in August, 1903, I became convinced that Colombia intended to repudiate the treaty made the preceding January, under cover of securing its rejection by the Colombian Legislature, I began carefully to consider what should be done. By my direction, Secretary Hay, personally and through the Minister at Bogotá, repeatedly warned Colombia that grave consequences might follow her rejection of the treaty.

In the ultimatum to Colombia, Secretary Hay stated that the President had directed him to say what the note contained. Roosevelt admits re-

sponsibility for equally formidable notes to Colombia commanding her to ratify the Hay-Herran treaty. The ultimatum merely blends with the notes and completes the story of coercion. Here is further corroboration:

> The Congress as well as the Dictator [President Marroquin] had ample warning of all the dangers they by their action were inviting. Representatives from Panama warned the Colombian Administration that Panama would revolt if the treaty was rejected; and our Department of State in the gravest manner called their attention to the serious situation their conduct would create.

It is clear that the coercion of Colombia, from the time that the signature of her acting Minister to the Hay-Herran treaty was secured by a method that is common on the *"Bowery,"* to the rejection of that ill-fated document by the unanimous vote of the Colombian Senate, was directed by President Roosevelt.

It would appear that Roosevelt contended that an act forbidden by international law, by a solemn engagement, and by ordinary morality, became honorable provided warning was given. To the connoisseur in ethics, the warning adds to the offense of which it was a forerunner in that it shows premeditation. The warning thus becomes a part of the offense, proving motive for the act which was threatened. It strengthens the

evidence which points to collusion between our Administration and the separatists of Panama, as that was the only way in which the threat could be carried into effect.

Do not the warnings show determination to lay violent hands on Colombia unless she surrendered in perpetuity her choicest possession for a consideration that has ceased to be respectable in public utility regulation? Viewed from the standpoint of international law and of correct financiering, these warnings are so *base* that one is surprised at the moral obtuseness of their author. That he should cite them in exculpation of the rape of Colombia seems incomprehensible to a mind sensitive to ethical principles.

We will now proceed to a detailed consideration of the coercion of Colombia. We will give official documents in their sequence and connect them by stating their apparent meaning, adding general conclusions which we derive from them after the documents have been assembled and correlated. Their interpretation by the writer will be found in the closing pages of the chapter.

While the Colombia Congress convened June 20, 1903, interference with its freedom of action commenced as early as April. In a note dated April 24, our Minister to Colombia officially in-

formed the Colombian Minister for Foreign Affairs:

> With reference to the interview I had with your excellency at which were discussed the negotiations for the annulment of the present concessions of the Panama canal and railroad companies and other matters, I have the honor to inform your excellency that I have received instructions from my Government in that respect.
>
> I am directed to inform your excellency, if the point should be raised, that everything relative to this matter is included in the convention recently signed between Colombia and the United States on the 22d of January last, and that, furthermore, any modification would be violative of the Spooner Act, and therefore inadmissible.

How negotiations between Colombia and her concessionary corporations could be in violation of the Spooner law is not clear, for, most assuredly, the American Congress would not pass an act, or presume to have the right to pass an act, which prohibited Colombia from negotiating with concessionary corporations for the cancellation of concessions granted by her and the surrender of her reversionary interests in these enterprises. Such a prohibition cannot be read into a treaty unless it is clearly stated therein. Save by a construction of the Hay-Herran treaty which violated precedents, it is not found in that instrument, with the most obvious result that Colombia and the United States placed different

constructions on an article in a projected solemn engagement before ratification. After ratification, the United States would have enforced its understanding of the treaty—an understanding determined by self-interest. This is not all. No self-respecting government will permit another country to interpose between itself and corporations to whom it has granted concessions; nor will a self-respecting government offer such an affront to a sister republic. The mantle of charity is not large enough to cover the acts of the Roosevelt Administration whereby we secured the Canal Zone. This, however, is merely the beginning of insolence to which Colombia was subjected, for, on June 13, 1903, our Minister handed to the Colombian Minister for Foreign Affairs a memorandum which reads:

> I have received instructions from my Government by cable in the sense that the Government of Colombia to all appearances does not appreciate the gravity of the situation. The Panama Canal negotiations were initiated by Colombia and were earnestly solicited of my Government for several years. The propositions presented by Colombia with slight alterations were finally accepted by us. By virtue of this agreement our Congress reconsidered its previous decision and decided in favor of the Panama route. If Colombia now rejects the treaty or unduly delays its ratification, the friendly relations between the two countries would be so seriously compromised that our Congress might next winter take steps

that every friend of Colombia would regret with sorrow.

The canal negotiations were initiated by William Nelson Cromwell, attorney for the New Panama Canal Company. At first acting only as intermediary, he finally did succeed in creating the situation which resulted in direct negotiations between the two governments. To say in substance, as in the excerpt quoted, that Colombia urged upon the United States the construction of an Isthmian Canal by the Panama route, is entirely incorrect.

We will now show that the sentence: "The propositions presented by Colombia with slight alterations were finally accepted by us," is both false and misleading. This can be most effectively done by paraphrasing an excerpt from a memorandum of the Colombian Minister for Foreign Affairs addressed to our Government on June 18, 1903. It effectively disposes of Secretary Hay's contention that the propositions presented by Colombia, with slight alteration, were finally accepted by the United States. In this memorandum, the Colombian Minister observes:

There is a notable difference between some of the propositions presented by Colombia and the modifications introduced by the United States.

That difference becomes apparent when we compare the memorandum submitted by the Colombian Legation on March 31, 19[illegible] with the propositions of the Secretary of State. This is especially true of those provisions which refer to the sovereignty of the Canal Zone, judicial jurisdiction in it, and the compensation to be paid for the concession. The annuity of $250,000 stipulated in the Hay-Herran treaty was merely the then income of Colombia from the Railroad, and even payment of this amount was not to commence until nine years after ratification, although the railroad was to become the property of the United States immediately. In the memorandum of the legation the establishment of judicial tribunals in the Canal Zone was not mentioned, while the Secretary of State, in the project sent with his note of November 18, 1902, proposed them. In this project, they were divided into three classes, namely, Colombian, American, and mixed.

In the Colombian memorandum, the sum of $7,000,000, American gold, was asked, and an annuity, which was to be fixed by arbitration unless otherwise satisfactorily arranged. The Secretary of State only offered $7,000,000 and an annual rental of $100,000, or, if preferred, $10,000,000, and an annual rental of $10,000. The Colombian Government had ordered its legation to accept an annuity of $600,000. The Secretary of State, in a note which had the form of an ultimatum, reduced it to $250,000. The diminution of $350,000 in a period of only one hundred years represents a difference of $35,000,000, and as the convention was to run in perpetuity, it is clear that the difference was not slight, but was very great.

It is also well to note another item of substantial difference. In the Colombian proposition, the canal and railroad companies could not transfer their privileges to the United States without the consent of the Colombian Government.

In addition to the observations already made in this paraphrase of an excerpt, it should be pointed out that the actuarial value of $250,000 at the interest rate of the then Colombian credit for the nine years that Colombia was to be deprived of the $250,000 was approximately $2,870,000. This amount must be deducted from the apparent figures contained in the proposition of Secretary Hay to get at their actual value. The actuarial (real) value of an annuity of $350,000 (amount mentioned in the paraphrased excerpt) at the end of one hundred years at 3 per cent is $212,550,000, at 4 per cent, $433,170,000, and not $35,000,000, as stated by the Colombian Minister for Foreign Affairs, who was apparently an amateur in finance. Note—the treaty was to be perpetual and not merely for one hundred years.

It is already clear that the propositions submitted by the Colombian legation to the United States were not accepted with "slight alterations." Moreover, the Colombian proposition safeguarded her sovereignty. The Hay-Herran treaty impaired her sovereignty to such an extent that the United States would, by construction of the engagement, have become the *de facto* sovereign in an undefined area of Colombia. The

difference between the propositions was not only "not slight," but vital. Note particularly the following:

Our Congress might next winter take steps that every friend of Colombia would regret with sorrow.

Congress had provided the Nicaragua route as an alternative one in the Spooner law. So construction of the canal elsewhere could not have been meant. Therefore, it could only have had reference to laying hands on Colombia. This is what was actually done. The method could not be disclosed, so the Congress is referred to in order to make the warnings effective. These warnings are merely the forerunner of collusion between the separatists of Panama and our Administration. We will discuss this in detail in the next chapter.

On June 13, 1903, our Minister to Colombia sent the following telegram to Secretary Hay:

I have the honor to advise you that I have had an interview with the Minister for Foreign Affairs, in which I communicated to him the substance of my instructions, and also left with him a memorandum containing a substantial copy of said telegram.

The minister's first question was as to what action by our Congress was contemplated—whether it meant action against Colombia, or the adoption of the Nicaragua route —to which I replied that I had received no other in-

structions than those contained in the telegram, and that I could not, therefore, aid him in construing it.

He said, in substance, that it must be understood that no matter what the Government's actions or desires may have been in the preliminary negotiations, a treaty could not be made without the approval of Congress; that this was true in the United States as well as Colombia; that the Colombian Congress was very soon to meet, and that upon it would devolve the consideration of all these matters.

Colombia, left in doubt as to the meaning of the note addressed to her, was, in fact, the victim of a veiled threat, as she knew what was expected of her, but did not know what to expect should she act within her constitutional and other legal rights, and, in so doing, offend her powerful neighbor.

We will conclude this phase of the evidence by stating on the authority of Hannis Taylor and of Ex-Minister DuBois that a cable was sent to Bogotá saying: *"The treaty must not be modified or amended."* In this connection, remember that the signature of the acting Minister of Colombia was secured by strategy. The gentlemen named above also state that this cable was followed by a mandate saying: *"Ratify the treaty or you will regret it."* Again, remember that Dr. Herran signed that treaty under pressure. Is it any wonder Colombia refused to ratify the Hay-

Herran treaty? And Roosevelt calls this conduct classic! Contrast these warnings with the following excerpt from an address delivered by President Wilson:

> For the interesting and inspiring thing about America, gentlemen, is that she asks nothing for herself except what she has a right to ask for humanity itself. We want no nation's property; we wish to question no nation's honor; we wish to stand selfishly in the way of the development of no nation; we want nothing that we cannot get by our own legitimate enterprise and by the inspiration of our own example, and, standing for these things, it is not pretention on our part to say that we are privileged to stand for what every nation would wish to stand for, and speak for those things which all humanity must desire.

How different are the foregoing inspiring words when compared with the following by Roosevelt:

> I am interested in the Panama Canal because I started it. If I had followed traditional conservative methods I should have submitted a dignified state paper of probably two hundred pages to the Congress and the debate would have been going on yet. But *I took the Canal Zone,* and let Congress debate, and while the debate goes on the canal does also.

The excerpt from the address by President Wilson mirrors the underlying spirit of his Administration and exalts righteousness for its own sake; while the excerpt from the address by

Colonel Roosevelt glories in having taken the Canal Zone by physical and mental prowess.

This brings the narrative down to June 20, 1903, when the Colombian Congress assembled. President Marroquin submitted a dignified state paper to it, which dealt with the ratification of the Hay-Herran treaty, as follows:

To my Government has been presented this dilemma; either it lets our sovereignty suffer detriment or renounces certain pecuniary advantages, to which, according to the opinion of many, we have a right. In the first case, to consent to the sacrifice of our sovereignty and not aspiring to great indemnification, the just wishes of the inhabitants of Panama and other Colombians would be satisfied if the canal were opened, but the Government would be exposed to the charge afterwards that it did not defend our sovereignty and that it did not defend the interests of the nation. In the second case, if the canal is not opened by Panama the Government will be accused for not having allowed Colombia that benefit which is regarded as the commencement of our aggrandizement. I have already allowed my wish to be understood that the canal should be opened through our territory. I believe that even at the cost of sacrifices we ought not to put obstacles to such a grand undertaking, because it is an immensely beneficial enterprise for the country, and also because once the canal is opened by the United States our relations will become more intimate and extensive, while our industries, commerce, and our wealth will gain incalculably. I leave the full responsibility the decision of this matter brings with Congress. I do not pretend to make my opinion weigh. When I have given instructions to our representative in Washington it has been coupled with the order that the decision of this important

matter must be left with Congress. After years in which the question has been treated in a vague way, without precise conditions, it is now presented in a way to obtain practical and positive results. It has been our indisputable diplomatic triumph that the Senate and Government of the United States should declare, notwithstanding every effort to the contrary, the superiority of the Colombian route.

Although President Marroquin's motives have been impugned by Roosevelt, we will inquire whether he was sincere in the foregoing communication. Advices from our Minister to Colombia will furnish the answers. We read in a letter from him, dated August 30, the following:

I am informed authoritatively that to assure the election of Reyes, Marroquin has already changed the governors of Bolivar, Magdalena, and Panama, nominating, respectively, Insignares, Barrios, and Senator Obaldia. All pledged to the treaty and to Reyes.

It is to be noted that General Reyes was the candidate for the presidency of Colombia who succeeded at the election, thus making it evident that President Marroquin was using the power of his office to secure ratification. General Reyes urged ratification of the Hay-Herran treaty. The next day our Minister to Colombia wrote to Secretary Hay:

I had an interview with Senator Obaldia to-day. He informed me that he is willing to remain as long as there is hope for the treaty, but he is convinced that there is none. . . . Confirms General Reyes' statement concerning presidential candidate, and says that the next Senate was made certain for the treaty; that he bears instructions to Governors Insignares and Barrios concerning the elections which will be held next December; that in accepting governorship of Panama he told the President that in case that the department found it necessary to revolt to secure canal, he would stand by Panama; but he added if the Government of the United States will wait for the next session of Congress, canal can be secured without a revolution. Senator Campo, from the Cauca, is about to leave, thinking the treaty gone.

My opinion is that nothing satisfactory can be expected from this Congress. Caro's party has been joined by Velez and Soto and their followers, constituting a decisive majority against the treaty. General Reyes seems to still entertain hopes.

There is a difference in the influence of an incoming and of an outgoing President. President Marroquin, an octogenarian, was retiring, and General Reyes was to succeed him. Reyes favored ratification of a treaty that should have been rejected. By the exercise of patience, it is thus evident that agreement on a treaty granting the United States an adequate title to the Canal Zone could have been secured from Colombia, but threats were substituted for restraint. These threats are summarized in a communication, dated August 5, 1903, which our Minister to Colombia

sent to the Colombian Minister for Foreign Affairs, from which the following is taken:

> I avail myself of this opportunity respectfully to repeat that which I already stated to your excellency, that if Colombia truly desires to maintain the friendly relations that at present exist between the two countries, and at the same time secure for herself the extraordinary advantages that are to be produced for her by the construction of the canal in her territory, in case of its being backed by so intimate an alliance of national interests as that which would supervene with the United States, the present treaty will have to be ratified exactly in its present form without amendment whatsoever. I say this because I am profoundly convinced that my Government will not in any case accept amendments.

What would any self-respecting Government have done under the circumstances? Would it not have done what Colombia did? It is properly stated by General Reyes in the following:

> The Congress being unable to accept in its actual wording at least one of the stipulations contained in the treaty, because inhibited from doing so by the Constitution, no one will wonder that under the pressure of threats so serious and irritating and in presence of a formal notification from the party which had authority to serve it that no amendment would be accepted, preference was given to disapproval.

One is automatically reminded of the following characterization, by Sir Edward Grey, of the te addressed to Servia by Austria:

I had never before seen one State address to another independent State a document of so formidable a character.

It is to be observed that, while there was no stipulation for the absolute cession to the United States of the Canal Zone, there was to be perpetual occupancy and jurisdiction, i. e., periods were for one hundred years, with the option of renewal by the United States, but no option of rejection by Colombia. The stipulations included the right to safeguard the canal and granted extensive police and sanitary control. The constitutional authorities in Colombia held that such a grant, although less than absolute cession, was contrary to the nation's organic law.

What sovereign state would have lightly ratified a treaty which impaired its control over the most valuable section of its domain? Would the Senate of the United States have held otherwise in case it had been proposed to grant to a foreign power a similarly endless occupancy and jurisdiction of a part of our national domain? Yet it was proposed in the deliberations of the Colombian Senate to amend the constitution and thereby remove the legal objection!

It is unquestionably true that Colombia rejected the Hay-Herran treaty because it involved an impairment of her *de facto* sovereignty on the

Isthmus, and an alienation of national territory in terms believed to have been prohibited by the Colombian constitution. It also entailed an abandonment, by Colombia, of concessionary and reversionary rights in the Panama Railroad and in the projected Isthmian Canal, and made no equitable provision for settlement with Colombia by the canal and railroad companies to secure the release of her concessionary and reversionary interests such as were contemplated by the transfer of their rights and property to the United States. When we make a comprehensive survey of Colombia's pecuniary interest in the then existing transit arrangements on the Isthmus, and the strategic value of the Isthmus for further transit development, we are forced to conclude that the United States attempted to secure unduly advantageous terms by duress.

Colombia's statesmen were looking for a satisfactory solution. They were conciliatory. They wanted the canal built on their territory and were merely endeavoring to secure reasonable terms. They appealed to our Government in terms that would have wilted a heart not made of adamant. On August 11, 1903, Minister Rico of the Department for Foreign Affairs addressed our Min-
ır as follows:

The Colombian Government, fully aware that justice and equity govern the course of the United States in its relations with all powers, and that its respect for the autonomy of the Spanish-American countries is a substantial guaranty of the stability and independence of those nations, is confident that the principles which I have adduced in favor of the right which the Colombian Congress has, not only to propose modifications to the convention for the opening of the canal, but also to refuse its approval, can not but convince your excellency's Government that the exercise of that right can not in any manner entail complications, great or small, in the relations of the two countries, which it is to be hoped will continue on the same equal footing and in the same good understanding which has happily existed until now, and that they will facilitate the removal of the difficulties which have retarded the final agreement, the result of which is to accomplish that work, of such great importance to the two high contracting parties and to the world's commerce.

Why was Colombia so cautious? Was there anything in our construction of the Treaty of 1846 that warranted it? Had we recently read into that solemn engagement something that warranted the conclusion that our public men regarded national honor lightly when it conflicted with national interests? The new construction that our Adminstration placed on the Treaty of 1846 in 1902 is the answer. In a letter dated October 26, 1902, the Colombian Minister at Washington wrote to Secretary Hay:

I have the honor to address your excellency for the

purpose of informing you that on the 24th instant I received from my Government supplementary and full instructions to close the negotiations for the construction of the Panama Canal which have been progressing between Colombia and the United States, and that in said document are comprised all the points to which your excellency adverted as modifications of the memorandum presented by the legation to the Department of State on the 21st of April last.

The instructions to which I refer bear date of Bogotá, September 9, 1902, before the action was taken in the Department of Panama by United States naval officers which implies, on the part of your excellency's Government, a new interpretation of the treaty in force between the two countries, an interpretation concerning which I am not now at liberty to express any opinion, for the reason that the Minister for Foreign Relations at Bogotá has undertaken to discuss it directly himself, as your excellency is aware; but which would essentially affect the convention now pending, since article 35 of that treaty is incorporated and developed therein.

In view of the foregoing, your excellency will recognize that it is just now impossible for me to act in pursuance of the instructions received, in consequence of which I have addressed my Government by cable, stating the circumstances, to the end that it may decide upon what it considers most proper.

What are the facts in this connection? Our Administration had just prohibited the Panama Railroad Company from transporting Colombian troops and munitions of war across the Isthmus in its attempt to suppress an insurrection. The railroad company was required to transport them by its charter. Our Administration acted as

though the rights of the United States took precedence over those of the actual sovereign. Seward, Hamilton Fish, and Bayard held that the rights of the sovereign were supreme. This phase of the question will be considered in another chapter. Suffice it to say here that this unwarranted construction of the Treaty of 1846 caused Colombia to act with extreme caution where impairment of her sovereignty was to be affected by the projected treaty. IT—IT—and not attempted blackmail—prevented final agreement with Colombia on a canal concession.

In order to arrive at correct conclusions in this matter we must distinguish between *de jure* and *de facto* sovereignty. The one is nominal sovereignty; the other is actual sovereignty. Nominal sovereignty may be held in suspense while actual sovereignty is being exercised by a foreign power for a consideration. Panama is at present the *de jure* sovereign of the Canal Zone. The United States is the actual sovereign as long as she pays the consideration named in the treaty. *De jure* sovereignty is in suspense—is not exercised. That Colombian sovereignty was not to be impaired in the Hay-Herran treaty is the assertion of Roosevelt. This is true of *de jure* sovereignty, but is not true of *de facto* sover-

eignty. Article IV of the Hay-Herran treaty provided:

> The rights and privileges granted to the United States by the terms of this convention shall not affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges are to be exercised.
>
> The United States freely acknowledges and recognizes this sovereignty and disavows any intention to impair it in any way whatever or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America, but on the contrary, it desires to strengthen the power of the republics on this continent, and to promote, develop and maintain their prosperity and independence.

This is not true when we consider *de facto* or actual sovereignty. That which is the substance of sovereignty was vitally impaired in the projected engagement. We will mention only one of a number of provisions to illustrate the point. We find that section II of Article XIII of the Hay-Herran treaty reads as follows:

> Subject to the general sovereignty of Colombia over said zone, the United States may establish judicial tribunals thereon, which shall have jurisdiction of certain controversies hereinafter mentioned to be determined according to the laws and judicial procedure of the United
> tes.
> ch judicial tribunal or tribunals so established by the
> d States shall have exclusive jurisdiction in said
> f all controversies between citizens of the United
> and between citizens of the United States and

citizens of any foreign nation other than the Republic of Colombia; *and of all controversies in any wise growing out of or relating to the construction, maintenance or operation of the canal, railway and other properties and works.*

The portion printed in italics contains the joker. It is the elastic clause under which the permanent interests of Colombia would have suffered.

Because of our altered interpretation of the Treaty of 1846, Colombia decided on a reconsideration of the whole matter. Its Minister for Foreign Affairs addressed our Minister in Bogotá on August 14, 1903, as follows:

As your excellency has been pleased to address me various notes relative to the treaty for the opening of the Panama Canal which was signed in Washington the 22d of January last, I inform your excellency that the Senate of the Republic disapproved that pact, by the unanimous vote of the senators present, in the session of the 12th of this month, and the day following approved, also unanimously, the proposition which I have the honor to communicate to your excellency, and which is as follows:

The Senate of the Republic, in view of the disapproval given to the treaty signed in Washington the 22d of January of the present year, by the chargé d'affaires of Colombia and the Secretary of State of the American Union, and taking into account the desire of the Colombian people to maintain the most cordial relations with the people of the United States of America, and its sentiment that the completion of the interoceanic canal across the Isthmus of Panama is a work of the greatest importance for

the commerce and advancement of the world, as well as for the development and progress of the American nations, resolved:

1. That a commission of three senators, appointed by the president of the Senate, consulting in every possible way the opinion of the House of Representatives, study the manner of meeting the earnest desire of the Colombian people touching the construction of the Panama Canal, in harmony with the national interests and observance of the law by which the Senate was ruled on this solemn occasion.

In addition the Colombian Senate addressed a communication to our Government wherein it stated:

A treaty of this nature could only be approved by a national convention or by a reforming act of the Constitution.

Other portions of this appeal are better stated in a communication handed to Secretary Hay by General Reyes, showing how anxious Colombia was to have the canal constructed on her territory, and how desirous she was of finding a formula which would grant to the United States an adequate title and yet properly safeguard Colombian interests. It is expressed by General Reyes as follows:

It is proper to observe that under our constitution the Congress is the principal guardian, defender, and interpreter of our laws. And it can not be denied by any one, I take it, that the Hay-Herran convention provides for the

execution of public works on a vast scale and for the occupancy in perpetuity of a portion of the territory of Colombia, the occupant being not a juridical person whose acts were to be governed by the civil law and the Colombian code, but rather a sovereign political entity, all of which would have given occasion for frequent conflicts, since there would have been a coexistence in Panama of two public powers, the one national, the other foreign.

Hence the earnest efforts evinced by the Senate in ascertaining whether the American Government would agree to accept certain amendments tending especially to avoid as far as practicable any restriction in the treaty of the jurisdiction of the nation within its own territory. . . .

It follows that the Congress of Colombia, which is vested, according to our laws, with the faculty or power to approve or disapprove the treaties concluded by the Government, exercised a perfect right when it disapproved the Hay-Herran convention. This course did not disqualify the Government for the conclusion of another treaty with the Government of your excellency and it indeed resolved to make a proposition to that effect, and Mr. Herran, whom our Minister for Foreign Affairs intrusted with that duty by cable, had the honor of bringing this purpose to your excellency's knowledge. Neither did that course imply any slight toward the Government of the United States, and, on the contrary, the Senate, observant of the existing friendly relations, relied on the sentiments of American fraternity, by which it is animated, for the introduction in the new agreement that was to be made of stipulations more consonant with the notion of sovereignty entertained by the people of Colombia.

Standing upon her dignity as a sovereign state, Colombia refused to be coerced, and by the unanimous vote of her Senate, treated our warnings

with the contempt they deserved. Our Senate did not ratify the Hay-Pauncefote treaty of 1900. It was sought by us, discussed at length in the Senate, and amended by it in vital particulars. We, however, received no warning note from Great Britain. A treaty which we sought and which was agreed to by our Government was not ratified by our Senate. This action was not reprehensible, but when the Colombian Senate rejected a treaty not agreed to by the Colombian Government—wrested from her *chargé d'affaires* by stealth—Roosevelt hurled at Colombia epithets unparalleled in the history of modern diplomacy.

The reasons which prompted the adverse action of the Colombian Senate were properly beyond our official animadversion or even official discussion. High-minded diplomacy usually holds in courteous respect the motives which may have inspired the legislative act of a sovereign nation. Yet in speaking of Colombia, our Administration ascribed to her the basest of motives. A comprehensive survey of all trustworthy evidence does not disclose a scintilla of evidence that sinister motives prompted Colombia's official action. In short, the evidence looks like a boomerang, showing that Colombia stood ready to accept the award of an impartial arbitral tribunal.

The United States insisted on dictating terms which history will pronounce unfair.

Because of our conduct under the Treaty of 1846, Colombia acted with caution. Our Government at that time (1902) had just read into that treaty a prerogative not contained in it when viewed from the standpoint of its construction up to that time. Up to that time, the United States assisted only in keeping Isthmian transit open at the request of the sovereign and in co-operation with the sovereign. In 1902, as already mentioned, the United States prevented Colombia from using the railroad for the transportation of her troops when it was required to furnish this service by charter. Therefore, Colombia rightly scrutinized the Hay-Herran treaty. When we consider that the United States has just attempted to violate the Hay-Pauncefote treaty, we are compelled to conclude that the caution with which Colombia acted was more than justified.

Impairment of sovereignty was the controlling factor in the consideration of the Hay-Herran treaty by the Colombian Senate, and so the warnings sent to Colombia by our Government were as gratuitous as they were offensive. They were outside the circle of respectable diplomacy.

Colombia wanted the canal on her territory; she was merely parleying for reasonable terms. A president favorable thereto was already assured of election. Therefore, only differences remained to be ironed out as was the case between the United States and Great Britain when the first Hay-Pauncefote treaty was disapproved by our Senate through amendment.

In another place, the writer has stated that the reason Great Britain and the United States finally agreed on the second Hay-Pauncefote treaty was the following:

> The United States needed the Panama Canal as a military and naval asset, and therefore sought the modification of the Clayton-Bulwer treaty with that end in view. Great Britain desired the construction of the canal because of its large commercial interests. The one sought ownership and control as a military necessity; the other sought conditions and charges of traffic that would be just and equitable—that would be equal for identical units of traffic using the canal. The paramount object desired by the two contracting parties was different. Final agreement was secured by writing into the Hay-Pauncefote treaty the controlling object of each of the two contracting parties. The United States secured thereby its desired military and naval asset. Great Britain secured thereby the assurance of equality in tolls between our nationals and its own subjects.

In the canal treaty that was being negotiated with the sovereign, Colombia, the interests to be

reconciled were abridgement of sovereignty and determination of the proper amount to be paid to the *de jure* sovereign for the concessions which were to be granted. Both countries needing the canal, the United States was in a stronger position than Colombia as bargainer, inasmuch as the Nicaragua route was available. Colombia indicated willingness to undertake the amendment of her constitution so as to permit impairment of her sovereignty and suggested periodic revaluation by an impartial tribunal as the proper method to determine the amount to be paid to her. It is thus evident that proper results could have been secured by further negotiations if our Administration of that time had merely desired proper adjustment of the conflicting interests.

We have already stated that General Reyes was the most formidable candidate for the Colombian presidency at the election that was to be held in December, 1903. He favored ratification of the Hay-Herran treaty with all of its objectionable features. There was a strong minority in the Colombian Congress in favor of its ratification. Is it not clear that General Reyes, with the power and prestige of an incoming president, could have secured ratification of a treaty granting to the United States an adequate title to the Canal Zone

upon reasonable terms? The following from our Minister to Colombia, dated November 1, 1903, is now apropos:

> Yesterday the Government issued a manifesto to the nation, which has been published and posted on the streets this morning. It severely criticises the action of Congress, and especially that of the Senate, which latter body has wasted its time in attacks on the Executive instead of devoting itself to the consideration of measures necessary to the well-being of the country. As regards the canal, it states that the Government has decided to resume negotiations in the hope of being able to come to a fresh agreement which shall meet with the approval of the next Congress, and that the Colombian *chargé d'affaires* at Washington has been instructed to convey this information to the Government of the United States.

The Hay-Herran treaty was not a satisfactory international compact because: first, the franchise was not subject to revaluation at stated intervals; second, a conflict of jurisdiction within the Canal Zone and the canal littoral was inevitable by reason of the elasticity of some of the provisions contained in it. Who but the weaker nation, Colombia, would have suffered? Therefore, it was her duty to act with caution. She was justified in rejecting the Hay-Herran treaty on the grounds that the financial provisions were unscientific and its administrative provisions were charged with inevitable conflict in their applica-

tion, without including a provision for their adjudication by an impartial tribunal.

In view of the foregoing, what are we to think about the threats our Administration sent to Colombia? Let us reason together. An appropriate analogy is an aid to clear thinking and so we will use the following: If at the time that the United States Senate was considering the first Hay-Pauncefote treaty, Great Britain had sent us warnings similar to those we sent Colombia, what would our Congress have done? The Senate would have peremptorily rejected the Hay-Pauncefote treaty, and Congress would have immediately abrogated the Clayton-Bulwer treaty. Congress would then have proceeded with the Isthmian canal project in complete disregard of Great Britain. Yet our Administration in 1903 addressed communications to a friendly nation that we would have treated with scorn if they had been addressed to us. These warnings were reprehensible and provocative of the course that Colombia thereafter pursued. No self-respecting nation will yield to coercion.

What did Colombia do? She declined to ratify the Hay-Herran treaty, after provocation. We declined to ratify the first Hay-Pauncefote treaty. The latter caused delay in entering upon canal

construction. History shows that our Senate acted with wisdom when it amended the first Hay-Pauncefote treaty. If a treaty is a solemn engagement, it is important that all of its provisions should be properly scrutinized—especially if it is to run in perpetuity without any provision for readjustment of its terms. Why this haste on our part? Why? It is now evident that procedure by the orderly processes of public law would have given *proper* results. Colombia desired to do what we did when we amended the first Hay-Pauncefote treaty. Our conduct, of course, was beneficent; that of Colombia was base! Who commissioned Roosevelt to be the mentor of civilization?

Coercion solidified Colombian sentiment against the ratification of the Hay-Herran treaty. The maintenance of Colombian dignity assumed paramount importance in the deliberations of the Colombian Senate. Both friend and foe of the 'eaty voted against ratification. A unanimous ›te against ratification was the answer of the ›lombian Senate to the attempted coercion by ›overnment. History, while pointing the finger of scorn at our Administration, same time, vindicate the action of the Senate.

The Panama Canal, as an actuality, is a monument to the genius of our engineers. Would that it could be said of Roosevelt that he: "Nothing common did or mean, upon that memorable scene," when he took the Canal Zone and let the Congress debate the act after the deed! Would that it could be said that he exercised the patience of Job and displayed the wisdom of Solomon in the negotiations to secure an adequate title to the Canal Zone! As already stated, an adequate title could have been secured by the proper diplomatic methods as it was in the interest of Colombia to come to an understanding with the United States so that the construction of the most colossal enterprise ever undertaken by man could be prosecuted with vigor.

It is infinitely better for a nation to forego the construction of a canal on its territory than to lose its honor and self-respect by yielding to coercion. Craven cowardice is an unfailing sign of either national decadence or national degeneracy. A nation that fails to protect its honor, a nation that fails to restore its honor when sullied, can not be the important factor in the advancement of mankind that it otherwise would be. Let us hope that the United States, rich and powerful, will take its honor out of pawn by mak-

ing reparation to Colombia. Unless this is done she is likely to remain an *Ishmaelite* among the nations of the Western Hemisphere.

The dismemberment of Colombia by the United States was an offense against international law, a violation of a solemn engagement and an embarrassment to Spanish-America. It is an offense which is not in the slightest degree palliated by the warnings to Colombia. A warning does not excuse an unlawful act; rather does it aggravate the deed; it is included in the offense. Our warnings to Colombia are merely the forerunner of collaboration with the separatists on the Isthmus to effect the secession of the Province of Panama from Colombia. A nation, not unlike an individual, that resorts to coercion is on dangerous ground. Roosevelt carried it to the point where he could not retreat without humiliation, or proceed without stultifying his Administration. He had to make good according to his ethics. How could he? By an understanding, direct or by proxy, with the separatists on the Isthmus. This was effected through Bunau-Varilla as intermediary, the separatists playing the part allotted to them, and our Administration doing the rest. Our gunboats were the means employed to effect dismemberment of Colombia. It was our

navy that made possible the establishment of the so-called Republic of Panama. It was the assurance of protection by the United States that caused the separatists to proceed with the projected secession of the Province of Panama from Colombia. These statements will be substantiated in the next chapter. They are the fruit of attempted coercion—the last step in the process of using chicane, instead of the method approved by modern diplomacy, to secure the Canal Zone.

Try coercion on your neighbor and see how it works. You will then be in a position to understand the procedure described in this and the three following chapters which tell how the Roosevelt Administration *"took"* the Canal Zone.

Chapter IV

The "Vaudeville" Revolution on the Isthmus

Was there a real revolution on the Isthmus of Panama in the fall of 1903? This is a vital question. It must be answered before passing judgment on the Roosevelt Administration. If, upon a searching examination, it appears that there was only a *make-believe* revolution and not an actual uprising, the conduct of our Administration at that time becomes brigandage under a veneer of respectability. If it appears that there was no revolution on the Isthmus at the time, the acts of our Administration must be disowned and reparation must be made to Colombia or the act will become for all time the nation's act. We will now show that there was no revolution on the Isthmus at the time.

As already stated, there was no real revolution in the Province of Panama in the fall of 1903 when the latter was organized into an independent state under the protection of the United States. Those interested in secession es-

tablished a nominal government independent of that of Colombia on November 4, 1903. The independence of the nominal government was recognized by the United States on November 6, 1903. This was two days before the Government of Colombia learned of the secession of its choicest province. The rape of Colombia was completed two days before the Colombian Government received information of the occurrences on the Isthmus. American vessels of war were ordered to Isthmian waters *before the event* to protect secession against attack by Colombia, and to safeguard the establishing of a government in the Province, which was to be a protectorate of the United States.

Assurance that the American navy would be used to protect secession and to assure its success were conveyed to the Separatists of Panama by Bunau-Varilla. We will show that this assurance was given to him by the Roosevelt Administration. Had not this assurance been given, the separatists would not have proceeded with the secession of the Province and there would be no so-called "Republic of Panama" today.

The foregoing statement is a severe indictment of our then Government. It is so far-

reaching that it is an unpardonable libel unless it rests on a basis of fact. We will now marshal the facts on which this indictment is based.

We are dealing only incidentally with the post-secession activities of our then Administration. We are dealing primarily with its ante-secession activities. These were so improper that it sought to conceal them. It is now established that secession was predicated on them and was proceeded with only because of the arrival of the *Nashville*—tangible evidence of assured protection. In short, there was no revolution or intention to promote a revolution. There was to be secession if the United States would guarantee its success. Secession eventuated and the protection was furnished. The so-called Republic of Panama is mute evidence of pre-arrangement (of an adequate understanding) between the Roosevelt Administration and the separatists of Panama.

Some statements crystallize a story—give it objectivity so that it can be seen in a flash. Such a statement is the one made by Roosevelt to the students of the University of California. As reported it reads:

> I am interested in the Panama Canal because I started it. If I had followed traditional, conservative methods,

I would have submitted a dignified state paper of probably two hundred pages to Congress, and the debate on it would have been going on yet; but *I took the Canal Zone* and let Congress debate; and while the debate goes on the canal does also.

Another such statement is the following by Roosevelt:

I did not lift my finger to incite the revolutionists. The right simile to use is totally different. I simply ceased to stamp out the different revolutionary fuses that were already burning.

These statements are charged with information that their author did not intend to disclose, but which a mind conversant with Isthmian events of the time automatically supplies. There were no revolutionary fuses on the Isthmus at the time. There was merely effort to secure advance assurance of protection of secession by the United States. It succeeded. Therefore, the observation would be correct if it had stated that the separatists were assured that the American Administration would prevent Colombia from putting out the fuse—that secession would be protected within forty-eight hours after the Declaration of Independence.

Bunau-Varilla was in conference with our Administration on October 16, 1903. On October

17, he addressed Doctor Amador, first President of the Republic of Panama, as follows:

I CAN GIVE YOU THE ASSURANCE THAT YOU WILL BE PROTECTED BY THE AMERICAN FORCES FORTY-EIGHT HOURS AFTER YOU HAVE PROCLAIMED THE NEW REPUBLIC ON THE WHOLE ISTHMUS.

The real story of the *opera bouffe* revolution on the Isthmus in the fall of 1903 can best be told by commencing with the account of it by Bunau-Varilla. It is found in his book: "Panama, the Creation, Destruction and Resurrection," pages 289–342.

When it became apparent that the fate of the Hay-Herran treaty hung in the balance, an inner circle in the city of Panama commenced to consider secession. Their first endeavor was to ascertain if the coöperation of the United States could be secured. William Nelson Cromwell was consulted. He undertook to arrange it.

Results were satisfactory. Warning reached him from the seat of government of Colombia. He was counsel for the French company. Their
'sts had been placed in jeopardy by his ac-
He had to retire from ostensible con-
ith the venture. So Bunau-Varilla
oned from France. The continuity

of the movement was not interrupted. Bunau-Varilla started where Cromwell left off.

What transpired at the conference above mentioned is not of record. We have the *ipse dixit* of Roosevelt. Events, however, stand in a causal relation. Actions speak louder than words. The events that followed in precise coördination tell the story as clearly as though a full record had been kept. No revolution could have been planned and carried out with such clockwork precision without a perfect understanding between the parties in interest. The separatists of Panama had foreknowledge of the intentions of the Roosevelt Administration. There was but one person who could have given them that foreknowledge, and that was the Commander-in-Chief of the Army and Navy.

On September 23, the Hay-Herran treaty expired. It had been rejected August 12 by the Colombian Senate. This was the psychological moment for decisive action. So Bunau-Varilla appears on the scene. Colombia had not yielded to coercion. To coerce her by force would require the coöperation of the Congress. With the Nicaragua route available, Congress would hesitate and would probably refuse to concur. Hence, collaboration with the separatists offered

the solution. Bunau-Varilla's presence offered the opportunity. Later events show that this was the method adopted.

Bunau-Varilla states in the book named, that he inferred what the action of the Roosevelt Administration would be in the event of an uprising in Panama. He gives the facts on which he based the inference. On thorough investigation, the writer finds that the facts are other than as stated by the author named, and would have forced a conclusion other than the one given. The actual facts would have compelled the inference that the United States would expect Colombia to maintain free and uninterrupted transit, and that she would be given a free hand to quell any uprising. This is what had transpired theretofore. Nothing could have been inferred save that the United States would respect Colombia's sovereignty. Therefore he could have got the information which he claims to have possessed only by being told. Only the Commander-in-Chief of the Army and Navy could have told him, either directly or by proxy, that is, the President.

Men do not risk their lives, their property and welfare of their families in a wild-goose chase a revolution; nor does an outsider risk prop-

erty and all that others hold dear on a mere inference not inferable from established facts. The known facts plainly show that there was an understanding between our then Administration and Bunau-Varilla, and that the latter was the intermediary for communicating with the separatists of Panama. Bunau-Varilla's explanation transforms suspicion into knowledge, and establishes collusion between our Administration and the separatists of Panama.

The status of secession as of September 22, 1903, can be inferred from a conversation between Bunau-Varilla, who had just arrived in New York from France, and an M. Lindo, a merchant of New York and Panama. It is given in Bunau-Varilla's book on Panama. We will reproduce it in the form of a dialogue, preserving the exact words reported:

> Bunau-Varilla—Well, is the rumor true that the people of Panama are going to make a revolution?
>
> M. Lindo—They have no financial means. . . . Without money a revolution cannot be brought about any more than a war. But if you care to know what the situation really is, I will ask Amador to come and see you. . . . He has come precisely to obtain the means of bringing about a revolution. But he has failed, and is sailing for Panama in a few days. He will tell you all. He is in despair.

This seems to show that something resembling

a revolution had been comtemplated, and that it was to be abandoned for lack of assured support from the United States. But the time limit for the ratification of the Hay-Herran treaty expired the next day. Perhaps our Administration would after that give the desired assurance.

On the following day (September 23), Bunau-Varilla met Doctor Amador in conference. In his book, Bunau-Varilla tells the story that Doctor Amador told him. The following is a correct transcript of the narrative as recorded in the section of the book devoted to demonstrating that he (Bunau-Varilla) and not Roosevelt is the foster-father of the so-called uprising on the Isthmus:

During the past year a group of citizens of the Isthmus, of whom I was one, have met together to consider the measures to be taken if Colombia rejected the Hay-Herran treaty.

We one and all agreed that such a decision would stop all activity, ruin the inhabitants, and within a few years again transform the Isthmus into a virgin forest.

Confronted by a decision so despotic, we decided to prepare for an armed combat, rather than submit passively to the tyrant's sentence of death.

But Colombia was capable of crushing all resistance: as its power is enormously superior to that of the Province of Panama. Consequently we turned our eyes towards the great American Republic. She also had an interest in making an effective protest in the presence of

the extraordinary tide of the Colombian sentiment against the execution of the Canal.

Why should not this great Republic, so rich, so powerful, give the necessary coöperation in money and in military force?

This idea seemed to us so reasonable that we decided to entrust with a mission to the United States a certain Beers, more generally known by the name of Captain Beers.

He was an employee of the Panama Railroad. His mission consisted in visiting the right person in order to learn whether this double support could be obtained.

The persons whom Beers saw assured him that nothing was easier and they promised to obtain all that we asked for. Captain Beers came back to Panama to tell of the happy result of his mission.

Our friends then decided to delegate two of their number in order to reach a final understanding. I was one of the two delegates. . . . As soon as I arrived I was received with open arms by the persons whom Captain Beers had seen. I was to go to Washington to see Mr. Hay, Secretary of State, in order to conclude the final transaction.

But suddenly the attitude of the person who was to take me to Washington entirely changed.

Whenever I went to see him strict orders had been given to the effect that he was not in. I had to install myself in the hall, to camp there, and, so to speak, besiege his office. Nothing resulted from it. And there I am. All is lost. At any moment the conspiracy may be discovered and my friends judged, sentenced to death, and their property confiscated. I at first decided to return to Panama to share their fate. But I am hesitating. If my friends are shot I prefer to devote my life to avenging them on the man who will have been the cause of their deaths. . . .

There is to-day only a weak Colombian garrison at

Panama. Moreover, these men who have been living for many years on the Isthmus have ceased to count as foreigners to us. Our emotions, our aspirations, are theirs. Their general, Huertas, a valiant soldier, who has his troops well in hand, is himself shocked at the way Colombia is behaving towards Panama.

A revolution would to-day meet with no obstacle. But the Colombians have the command of the sea; their ships' crews are loyal. We must first, therefore, acquire a fleet to prevent Colombia from overwhelming with her troops the Province of Panama.

Besides this we want arms. It was to obtain ships and arms that I have come here. Our first envoy, Captain Beers, had been assured, and the same pledge was repeated to me when I came, that the United States would give us all the money we needed to buy arms and ships and pay the troops. . . . We need $6,000,000.

Let it be noted that it was September 23, 1903, when Dr. Amador told the story just described. At that time only a few citizens of the Isthmus had considered revolution. No effort had been made to promote discontent on the Isthmus. No effort had been made to promote a general uprising. No preparation had yet been made for an organized revolt. Real revolutions are not the product of such methods. An Isthmus "seething with revolution" was not an element of the suc- . Protection of secession by an adequate was the only method that was considered. avy had such a fleet, and the Canal Zone the Province of Panama. The only prep-

aration needed was a bargain—an understanding. Our Administration had what the separatists on the Isthmus needed to succeed (a fleet) and they offered what we wanted (the Canal Zone).

The secessionists needed warships to control the sea in order to prevent Colombia from landing troops on the Isthmus. There was no other way in which Colombia could send troops to maintain her sovereignty. The United States had the warships. The money in the provincial treasury, with the amount to be advanced by Bunau-Varilla ($100,000), was enough to purchase official Colombia domiciled on the Isthmus. Therefore, if Colombia could be prevented from landing additional troops on the Isthmus, the success of secession was assured in advance. This was the program. There was no need of the Isthmus being aflame with revolution to carry it out. It was only necessary that our Administration should be "seething with revolution."

The foregoing excerpt shows the hopeless condition of the so-called revolution on September 23. It was predicated on the conditional support of the United States. Seemingly no assurance had as yet been secured. Such assurance was necessary to give it vitality. Was it secured?

There is unmistakable evidence that Bunau-

Varilla had foreknowledge of adequate military and naval support. He claims to have played a rôle similar to that of Sherlock Holmes, and to have found it out without having been told. His narrative, however, supplies the missing links that connect our Administration with the collaboration in which secession was arranged.

In the time intervening between September 23 and October 10, Bunau-Varilla sounded our Administration. He tells us in the accounts of his conferences what he wants us to believe and not what actually transpired. We find in his Sherlock Holmes tale as given in his book the following:

> I left the private office of the President [October 10, 1903] in possession of all the elements necessary for action.
>
> I had at last the direct confirmation of the inductions which thus far I had drawn solely from pure reasoning: the President of the United States was holding firm for Panama.
>
> If a revolution were to generate new conditions favorable to the acquisition of the Canal Zone by the United States, President Roosevelt would immediately seize the opportunity . . . [interesting! interesting!].
>
> It remained for me to discover the second unknown quantity. How could a revolution be made successfully at Panama without the financial coöperation of the United States, and without the express promise of her military support? . . .
>
> The great and apparently unsurmountable obstacle was

the obtaining of a sum of $6,000,000 for the necessary armament. In trying to reduce this demand of Amador, the light suddenly flashed across my mind during my railway journey back to New York.

What was going to be the use of this $6,000,000, according to Amador? To buy ships, which would be equipped for war in order to sink Colombian ships, and to prevent the transportations of troops!

But where were these military movements to be feared? Was it in the Isthmus itself? By no means, because the Treaty of 1846 gave the United States the right, and imposed upon her the duty, of turning any belligerents away from the line of transit.

Bunau-Varilla concluded that the $6,000,000 were not needed as the United States under the Treaty of 1846 was obligated to prohibit fighting within the zone of the railroad, and that that would automatically prevent Colombia from maintaining her sovereignty over the area needed for canal purposes. Is this construction of the Treaty of 1846 correct? Suffice it to say that the construction of this Treaty from its adoption to the assumption of the Presidency by Theodore Roosevelt is contained in a letter addressed to our Minister in Bogotá by Secretary of State, Hamilton Fish. It reads:

By the Treaty of 1846 with New Granada this Government has engaged to guarantee the neutrality of the Isthmus of Panama. This engagement, however, has never been acknowledged to embrace the duty of protecting the road across it from the violence of local factions;

but it is regarded as the undoubted duty of the Colombian Government to protect it against attacks from local insurgents.

You are consequently requested to address a representation upon this subject to the Colombian minister for foreign affairs, and to ask that a sufficient force be kept on the Isthmus to deter attacks upon the road.

Instead of it being the duty of the United States to exclude the sovereign, Colombia, from the line of railroad for military purposes she was, in accordance with the earlier construction of the Treaty of 1846, obligated not to interfere with her in the maintenance of order on the Isthmus. If the guarantee of the United States under the Treaty of 1846 during the fifty-five years that it had then been in force did not lead to independence—especially in 1885 and in 1899-1902, when there were formidable revolts—how could it be expected to do so in 1903 without any preparation whatever? Bunau-Varilla nowhere explains. We will again quote from his book:

I had myself seen the United States, in 1885, performing her duty and preventing any fighting in this zone [between the watersheds of the Chagres and of the Panaman Rio Grande]. . . .

It may be remembered that in 1885 a Revolutionary army commanded by General Aizpuru had seized Panama. The town once taken, the American troops had entered Panama to prevent disorder. But when it was seen that the Revolutionary Government was maintain-

ing order, the American forces were withdrawn, and they confined themselves to garrisoning the railroad and its wharf, the sole [interesting with a?] means of communication with the Pacific Ocean.

Some days later, two ships laden with Government troops tried to land at the wharf.

General Reyes, who commanded the Colombian troops, was invited to withdraw, and the landing was forbidden by Commander McCalla.

I had seen with my own eyes, therefore, in 1885, the Revolution protected from the aggression of the Government troops by the American military authorities.

The foregoing is a garbled and grossly inaccurate account of the Isthmian events in the spring of 1885. It shows a deliberate attempt to bear false witness in order to dissipate the suspicion resting on the Roosevelt Administration for complicity in the Isthmian disturbance of 1903. We will let official documents tell the actual story. The first is a telegram from the Secretary of the Navy, Whitney, to Rear Admiral Jouett, dated April 3, 1885. It was sent because an American steamship had been seized at Colon, its cargo had been taken from her, and her officers and the American consul had been imprisoned. The parts bearing on the subject matter under consideration read:

The duty you are called upon to perform calls for the exercise of great discretion. The object of the expedition is the protection by the United States of its citizens,

to preserve the neutrality and keep open the transit from Colon to Panama, and further to protect the lives and property of American citizens. . . .

You have no part to perform in the political or social disorder of Colombia, and it will be your duty to see that no irritation or unfriendliness shall arise from your presence at the Isthmus.

Thus events that had transpired were to be adjusted through diplomatic channels. The Rear Admiral was sent to protect American interests without offense to the sovereign, Colombia. The following telegram from Rear Admiral Jouett to Commander McCalla, dated April 17, 1885, clinches this point:

In order to preserve the strict neutrality of the Isthmus of Panama, and to avoid interruption to the transit, you will please prevent any insurgent force from landing or operating in this vicinity.

The United States clearly recognized that the rights of the sovereign were supreme. Her efforts to protect American lives and property and to keep the line of transit open were in cooperation with the sovereign. Only the insurgents were restrained. This point is reënforced in a telegram sent by Rear Admiral Jouett to Secretary Whitney, dated April 17, 1885. In this telegram, the Rear Admiral informed the Secretary of his arrival, and states:

As Colonel Ulloa was the only representative of the Colombian Government in this vicinity, I immediately addressed a letter to him, informing him of my arrival and requesting his permission to land men for the protection of American lives and property and preserving the free transit of the Isthmus. He replied that he could see no objection to landing the men, and that he would forward my letter to the Government at Bogotá.

In 1885 the United States asked permission to land forces on the Isthmus. The rights of the sovereign were respected. In 1903, the sovereign was prohibited from landing forces on the Isthmus for the maintenance of order. In 1885 the sovereign was accorded every facility to establish order.

Thus the official documents completely discredit Bunau-Varilla. He had advance information that the United States would protect secession within forty-eight hours after the event. He is attempting to explain how he came thereby. Therefore, the importance of our discrediting him as the narrative unfolds. It will leave him with advance information—unexplained by him. In a communication to Secretary Whitney, dated April 18, 1885, Rear Admiral Jouett clearly states the spirit of American intervention:

Panama is still held by the insurgents, and until the Government forces reëstablish themselves in that city, serious disorder is likely to occur there at any time.

It is probable that the Government troops who have put down the revolution in the interior will soon come to Panama and take charge. In that event, I would advise the immediate withdrawal of one-half of the force sent by steamer from New York, and afterwards, as circumstances permit, the gradual reduction of our force to an establishment which can be maintained here without intermission.

Order was maintained by our forces until the Government succeeded in reëstablishing its authority. This also shows that Bunau-Varilla is guilty of willful misrepresentation.

But, General Reyes, who commanded the Colombian troops, was prevented from landing certain troops just arrived. Again an official document will tell the true story. It is by Commander McCalla to the Commander-in-Chief of the Colombian forces at Panama, dated April 28, 1885, and reads:

I have the distinguished honor . . . . to inform you that for the protection of the transit across the Isthmus, and for the protection of Americans and their property, I occupy the railroad station at this place with a United States naval force.

My lines for this purpose necessarily extend from the railroad wharves to the passenger station at the bridge.

May I beg leave to request that the national force under your command may be directed not to land within my lines.

I shall take the first opportunity of paying my respects to you; meanwhile I shall be most happy to place my personal services at your disposition.

The note from which the last quotation is made was transmitted by the agency of Lieutenant Reeder. During the conversation, General Reyes stated to Lieutenant Reeder that he was having the Rio Grande, south of the city, examined with the view of finding out whether he would be able to land his forces in the vicinity. *They did land.*

On the following day there was a conference attended by General Reyes for Colombia, General Aizpuru for the insurgents, and Rear Admiral Jouett. The conference resulted in an agreement being signed between General Reyes and General Aizpuru by which the latter agreed to surrender.

This shows that the American military authorities did not protect the insurgents. Bunau-Varilla's inference vanishes as the actual facts are stated.

Our best witness is Grover Cleveland. His word was as good as his bond throughout the length and breadth of the land. His message to the Congress in the following December leaves no doubt as to the course that the United States pursued. It completely disposes of the pretensions of Bunau-Varilla, and with it vanishes the inference. The section of the message devoted

to our intervention in the uprising on the Isthmus states:

> Emergencies growing out of the civil war in the United States of Colombia demanded of the Government at the beginning of this Administration the employment of armed force to fulfill its guarantee under the thirty-fifth article of the Treaty of 1846, in order to keep the transit open across the Isthmus of Panama.
>
> Desirous of exercising only the powers expressly reserved to us by the treaty, and mindful of the rights of Colombia, the forces sent to the Isthmus were instructed to confine their action to "positively and efficaciously" preventing the transit and its accessories from being "interrupted or embarrassed."
>
> The execution of this delicate and responsible task necessarily involved police control where the local authority was temporarily powerless, but always in aid of the sovereignty in Colombia.
>
> The prompt and successful fulfillment of its duty by this Government was highly appreciated by the Government of Colombia, and has been followed by expressions of its satisfaction. . . . The restoration of peace on the Isthmus by the reëstablishment of the constituted Government there being accomplished, the forces of the United States were withdrawn.

We have now shown that events on the Isthmus in the spring of 1885 were other than as stated by Bunau-Varilla. This is of controlling importance in our argument. It was the representations which he made to the separatists that caused secession. These representations indicated foreknowledge that the United States

would protect secession. These representations caused those interested in secession to proceed with the project. It is because of this fact that we give his explanation with great detail, and answer it with official documents woven into a narrative. We hope to leave him at the end of our argument securely in possession of the advance information which resulted in the establishment of the so-called Republic of Panama, and with a demolished explanation as to how he came by the information.

We will now sidestep the story of Bunau-Varilla until we have presented data which point to the correctness of the conclusion we are developing. This done, we will conclude the story of Bunau-Varilla and our interpretation of it.

We will commence with the statement made by Dr. Amador to General Amaya of Colombia on November 4, found in the report of the latter to the Colombian Minister of War dated November 14, 1903:

Dr. Amador, an old friend of mine, came to see me within a few hours of my being placed in jail, and he said to me textually, "You must understand that we who started this movement are not insane; we fully appreciated the fact that in no case could we withstand all the rest of the nation, and in consequence we had to resort

to means that, although painful, were indispensable. The United States has fully entered into this movement, and the Panamans are not alone, as in every event they will back up our actions. Not another Colombian soldier will ever disembark again on any of the coasts of the Isthmus, and our independence is guaranteed by that colossus." He offered me his services and said that he wished to present his respects to my chief, to whom I heard him make similar assertions, which, unfortunately, were corroborated by the increasing number of warships of that power in both seas, and by the disembarkation of its forces to mock our weakness.

And yet, according to Roosevelt, the Isthmus was "seething with revolution!" We—some ten—who started this movement are not mad! There is no evidence that the Isthmus was "seething with revolution." There is only evidence of duplicity. But, truth matches. Those who arranged and carried out secession from Panama to Washington cannot blot out history. The true story of the birth of the so-called Republic of Panama is being recorded. General Tovar, in his report to the Colombian Minister of War, dated November 20, 1903, states:

The solitary confinement in which I was kept from the afternoon of the 3d was broken on the evening of the following day by the visit which Señor Manuel Amador Guerrero, principal leader of the revolutionary movement, paid me in my prison. Dr. Amador, after having spoken with General Amaya, had me brought down from the room I occupied at police headquarters, and informed

me that events which had taken place on the previous evening were the result of a plan for a long time conceived and discussed at length in Panama and in Washington, and executed under the protection and guaranty of the Government of the United States with which he personally had recently come to an understanding . . . that in consequence it was ridiculous to suppose that the Panamans could have successfully defied the rest of the republic, and for the same reason all resistance on my part would be quite useless; that therefore I ought to order the reëmbarkation of the battalion *Tiradores* which remained in Colon, taking advantage for this purpose of the royal mail steam packet *Orinoco,* then in that port, and thus avoiding in a spirit of humanity the shedding of blood. At the same time he informed me that there were in Colon several American warships which had come to protect the revolutionary movement. I answered Señor Amador that I would take no account of what he had just told me, as my duty and the duty of the army I commanded was sufficiently clear, and that in consequence no human force could drag from me the order that he desired. I considered my conference with him at an end, and turned to be conducted back to my prison, where I learned that a similar proposition had been made to General Amaya, but without success.

Dr. Porras, one of the loyal Colombians on the Isthmus, was also arrested and confined in the police barracks. General Aizpuru of the municipal council of Panama called on him and told him that the separatists' movement was the work of only a few leaders. This dialogue as recorded in the hearings before the House Committee on Foreign Relations clinches the story of

ber 2, 1903, because of its significance when subjected to careful examination:

> Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello, or other point. Send copy of instructions to the senior officer present at Panama upon arrival of *Boston*. Have sent copy of instructions and have telegraphed *Dixie* to proceed with all possible dispatch from Kingston to Colon. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict.

On November 2, 1903, there were no insurgents in the Province of Panama. The Roosevelt Administration must have known—did know—that the separatists had no ships and so could not project a military movement by water. The order to the commander of the *Nashville*, therefore, was designed to prevent Colombia (the sovereign) from landing troops in her own territory. It was an order equivalent to assuring the success of secession before there was secession —before any Isthmians bore arms. The separatists were not prepared to bear arms. It was not on the program that they should. Secession was to be bloodless. Therefore, our marines were to be the military end of the so-called revolution. To hold that collaboration is not the

prelude to the foregoing does violence to reason and to common sense.

Before dealing with the change in the traditional American Isthmian policy, we will take a backward look, and, in so doing, get our bearings. Bunau-Varilla states that he assured the separatists that the United States would protect secession. We learn from those interested in secession that they acted on the assurance of Bunau-Varilla when it was supported by tangible evidence—the arrival of the *Nashville* at Colon on November 2, 1903. Dr. Amador, first President of the Republic of Panama, stated that they knew that the United States would not allow Colombia to attack them. The history of the United States in relation to the Treaty of 1846 shows that she would not intervene to keep the transit open save at the request of Colombia. The traditional American policy shows that Bunau-Varilla could not have inferred that the United States would protect secession, as the evidence points to the opposite conclusion. How did he become informed and who informed him? As already stated, the separatists staked their all on this knowledge. We know that their request for a man-of-war at Colon caused Bunau-Varilla to

hurry to Washington. He went to Washington for a sufficient reason, and not for a breath of Washington ozone. There was domiciled there the person who could order a man-of-war to Colon, and the man-of-war forthwith hastened to Colon with all possible speed. The conclusion is apparent. There was an understanding between Bunau-Varilla and our Administration. That is how he became informed. Isthmian events from November 2, to November 6, 1903, corroborate this conclusion. The military end of secession was on our gunboats, the civil government end of it was at Panama. Each partv executed its allotted part.

The separatists at first thought they needed $6,000,000 for an effective revolution. They had to have vessels of war to prevent Colombia from landing her troops on the Isthmus. Resistance was otherwise deemed impossible. This shows a well-thought-out plan—a plan that depended for fulfillment on the coöperation of an adequate navy. Suddenly it was found that a few hundred thousand dollars (to pursuade official Colombia on the Isthmus) was all that was needed. Why this change? There is a reason. It is not of record. It is, however, as indelibly written as if it had been committed to parchment.

Comparison of the instructions to our naval officers prior to those of November 2, 1903, with those from and after that date, tell the story as emphatically as any written record could.

The so-called revolution was designed in Panama. After the Hay-Herran treaty had been rejected by Colombia, the finishing touches were put on the project at Washington. It was coördinated in collaboration with our Administration. The only discordant note in its smooth execution was the appearance of Colombian troops earlier than expected, on November 3, 1903. This compelled such a modification of the plan that footprints were left which reveal collaboration.

We will now deal with the abandonment of our traditional Isthmian policy under the Treaty of 1846. We have already given the instructions to our naval officers in Isthmian waters during the administration of Grover Cleveland. They should perhaps be reread at this point so that the contrast between them and those of November 2, 1903, may be clearly seen. During McKinley's Administration the following telegram, dated July 25, 1900, was sent to our Consul at Panama:

> You are directed to protest against any act of hostility which may involve or imperil the safe and peaceful transit of persons or property across the Isthmus of Panama. The bombardment of Panama would have this effect, and the United States must insist upon the neutrality of the Isthmus as guaranteed by the treaty.

This was simply a protest in advance of harm. It was merely a request that Colombia pursue a certain course. In it we find no evidence that it was then held that the United States could lawfully prevent Colombia from landing troops on the Isthmus.

This brings the dispatches to our naval officers in Isthmian waters down to the Roosevelt Administration. The telegram of November 20, 1901, to our Consul at Panama first demands attention:

> Notify all parties molesting or interfering with free transit across the Isthmus that such interference must cease and that the United States will prevent the interruption of traffic upon the railroad. Consult with captain of the *Iowa,* who will be instructed to land marines, if necessary, for the protection of the railroad, in accordance with the treaty rights and obligations of the United States. Desirable to avoid bloodshed, if possible.

This order merely demanded that interruption of the Isthmian transit cease, and provided the means for the order's enforcement. It clearly recognized the duty of the sovereign to protect

the transit in the first instance. The United States would intervene only in case of necessity.

The order sent by Secretary Hay to Commander Perry of the *Iowa,* dated November 20, 1901, reads:

> Notify all persons, including leader insurgents, interference with transit must immediately cease, otherwise you will land force and maintain free transit and telegraphic communications.

The result of the order last given is shown in a telegram by Commander Perry to Secretary Long, dated November 21, 1901:

> Everything quiet. No further interference since notification. Transit and telegraphic communication open. Shall land force if there should be further interference. Colon in possession of liberals and quiet.

The truth of the matter is that the contending forces feared the United States to such an extent that battles would halt to permit trains to pass, and be resumed when these were beyond the zone of conflict. Because of this fact, it was found necessary to employ American forces on the Isthmus only 164 days, from the date of the superseding of the New Granada government by that of Colombia, to November, 1903. During the 164 days traffic on the Panama railroad was merely irregular, but not suspended. When this slight

inconvenience is contrasted with the benefits which accrued to the United States under the Treaty of 1846, it is wholly negligible.

Such was the situation when the formidable telegrams of November 2, 1903, were sent to our naval forces in, or presently to be in, Isthmian waters. Roosevelt's wrath toward Colombia can only be referred to as *"Much Ado About Nothing."*

The following telegram by Commander McCrea to Secretary Long, dated November 24, 1901, is apropos as it occurred during the Roosevelt Administration:

> Gunboat *Pinzon* here with 600 troops. Have forbidden bombardment until non-combatants can be removed. Have requested Liberals not to fire on *Pinzon* without attempted landing. Shall landing with incidental firing be permitted at American wharves? Request instructions.

He was not instructed to prevent the vessel named from landing within fifty miles of Panama! The Roosevelt Administration was not seeking title to the Canal Zone from insurgents at that time. What a difference! The orders and instructions to the fall of 1902 (we will deal with those of 1902 in another chapter of this book) were in accordance with Colombia's understanding of the Treaty of 1846. They

sought, in authorized ways, to safeguard Isthmian transit from actual interruption, and constituted no assault upon either the supreme jurisdiction or the supremely free action of Colombia. The instructions of November 2, 1903, grossly violated each of the foregoing. They had prime reference to a mythical political insurrection against Colombia's territorial integrity and national control, with no reference whatsoever to transit interruption. They laid violent hands on Colombia's sovereignty and forcibly prevented her from taking precautionary measures. Colombia was suddenly and peremptorily restrained from making free disposition of her own troops on her own soil.

The separatists of Panama knew that if they would go through the trifling acts of raising a flag and of adopting a Declaration of Independence, the American Navy would do the rest. Then they could proceed to organize a civil government while the American Navy would patrol Isthmian waters and prevent Colombia from interfering with the establishment of the so-called Republic of Panama. And this is the Province of Panama that was "seething with Revolution"! A microscope would have been needed to discover it.

The altered instructions to our men-of-war in Isthmian waters disclose design. The lack of domestic preparation for resistance to Colombia shows that the Junta knew the design. How did they become informed? Who could have informed them? There was but one person that could alter the traditional instructions to our naval commanders, and that was the Commander-in-Chief of our Army and Navy—*the President.*

The Senate, by a resolution dated January 22, 1904, asked the President to inform them as to when the United States forces were used in fulfillment of the Treaty of 1846, (1) at the request of the sovereign, (2) on its own initiative. The reply was prepared by Acting-Secretary of State Francis B. Loomis. It shows that during the fifty-five years that the treaty was in force, the American forces were used seven times, and that only once were they landed on our own initiative, and even at that time the Colombian Government was duly notified. This was in 1902, that is, during the Roosevelt Administration. The Colombian official on the Isthmus protested. This construction of the Treaty of 1846 was not acquiesced in by Colombia, and was the controlling reason for its rejection of the Hay-Herran treaty. It, therefore, cannot serve as a precedent for the

action of 1903, which is indeed without a precedent.

In Senate Document No. 143, Second Session, Fifty-eighth Congress, we find Acting-Secretary Loomis' summary after a detailed answer to the foregoing request of the Senate. It is as follows:

> It appears from the correspondence transmitted herewith that on one occasion United States forces were landed solely on the initiative of the United States—namely, in September, 1902—when the Panama authorities were duly notified of the proposed landing.

The telegrams of November 2, 1903, are without a precedent in American Diplomatic history. For them, American history offers no counterpart and international law no sanction. They are *sui generis*. They violated the constitution of the United States, international law and the Treaty of 1846. This will be shown in other chapters of this book.

While the separatists on the Isthmus were still in doubt—were trying to resolve the unknown factor in the situation, that is, the attitude of our Government, the *Nashville* was speeding to Colon. Sight of it would resolve the doubt and precipitate secession. Before their decision was rendered, the following dispatches were sent to

the Commanders of our men-of-war which were to be in Isthmian waters on and after November 2, 1903. To those on the west coast:

> Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, at any point within 50 miles of Panama. Government force reported approaching the Isthmus in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict.

To those on the east coast:

> Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy line of railroad. Prevent landing of any armed force with hostile intent, either government or insurgent, either at Colon, Porto Bello or other point.

Roosevelt characterizes his course on the Isthmus at this time as follows:

> Not only was the course followed as regards Panama right in every detail, but there could have been no variation from that course except for the worse. We not only did what was technically justifiable, but we did what was demanded by every ethical consideration, national and international.

Our counterpart of this characterization is, in the words of Treitschke:

> A thing that is wholly a sham cannot, in this universe of ours, endure forever. It may endure for a day, but its doom is certain.

The explanations of Isthmian events by Roosevelt and by Bunau-Varilla are wholly a sham. They are contravened by facts. The facts have not suffered; the explanations have been reduced to historical scrap.

Bunau-Varilla, Roosevelt, Amador and others interested in Isthmian secession have not profited by the sage advice of one Bill Devery, *"When caught with the goods on, say nothing."* They have talked too much. As already shown, that which is true matches—the rest is scrap. That which matches is the true story of the rape of Colombia by the United States.

We will now resume the story of Bunau-Varilla. He was telling how he inferred that the Roosevelt Administration would protect secession. We sidestepped his narrative in order to introduce data in support of our contention that his story is an invention.

Bunau-Varilla knew what the Administration would do in the event of the secession of the Province of Panama. He has told us in his book, and it is independently established. Statements by several of the separatists show that they acted upon his assurance. This is corroborated by the character of Isthmian preparation, which was

preparation for taking over the civil government of the Province of Parama. There was no military preparation such as we find when a real revolution is projected. The secession of the Province of Panama, was, therefore, due solely to foreknowledge that the Roosevelt Administration would protect secession.

Bunau-Varilla has told us how he became informed. We are showing that he did not become informed in the way he has told us. His statements crumble when examined by historical methods. What then is the source of his advance information? Established facts will unerringly reveal the source.

The revolution was to be bloodless, we are told! The uprising was to cover the Canal Zone and the canal littoral—the line of the railroad. Bunau-Varilla is our authority. Ah! The Isthmus was not "seething with revolution." A few men could determine the extent of the territory it would cover. But the whole Isthmus arose as one man! Roosevelt has told us. These are statements of practical men. The one desired to vindicate Roosevelt; the other sought to justify precipitate intervention by showing that an entire population arose and threw off the yoke of oppression. They can't have it both ways.

If the Isthmus was "seething with revolution," Bunau-Varilla did not tell the truth. If the revolution could have been confined to the Canal Zone and the canal littoral, Roosevelt did not tell the truth.

We will let Bunau-Varilla continue his story. We read in his book on Panama:

> In the preceding year of 1902, the same principle had been reënforced at the very moment of the difficult negotiations with M. Concha, for the grant of the canal concession to the United States. . . .
>
> How could it be doubted that the American forces would act in the same manner one year later, at a time when Colombia had taken a decidedly hostile attitude?
>
> No hesitation was possible. The solution had been found! The mysterious problem was solved! The final unknown quantity had been at last discovered and the equation resolved, as the French mathematicians say, in the most elegant manner.
>
> It was no longer necessary to spend enormous sums for a useless war.
>
> It was no longer necessary to present the impossible request for protection by American forces. Such a thing was indispensable to an insurrection covering the whole Province of Panama, but it was eliminated entirely if the insurrection was limited to the Isthmus, properly speaking.
>
> If a revolution was started from Colon to Panama, the American forces were automatically, and without any anterior understanding, obliged to intervene.
>
> There intervention would consist in forbidding any armed force to come within gunshot of the line of transit.

All the villages, all the houses, all the inhabitants within that zone, would immediately enjoy all necessary protection.

Once such military protection was secured, the new Republic could wait.

These statements are grotesque. They hardly need refutation. We will deal with the Isthmian events of 1902 in the next two chapters which follow. Suffice it to say here that Bunau-Varilla's statement of Isthmian events in 1902 is as false as was his statement of those of 1885. There was to be no revolution in the fall of 1903. Therefore, no military preparation was necessary. If there was no military force in Colon —*there was none*—what justification could there be for the United States keeping out Colombian troops! Military preparation was necessary to warrant intervention on the part of the United States, if intervention could be warranted, which we deny. Uprisings had not eventuated in an independent government for the Isthmus in 1885 or 1902. Why now? The explanation of Bunau-Varilla explains altogether too much. It ignores the facts. When there is collision between facts and an explanation, it is the explanation which suffers and not the facts.

It was clearly known to Bunau-Varilla that the actual revolution was to be on the American gun-

boats. He does not tell us who told him—who gave him the assurance. His story is interesting—interesting in a way other than it was intended to be. Especially interesting is this statement to Dr. Amador:

> Doctor Amador, the moment has come to clear the deck for action. Be satisfied with my assertions. There is no more time for discussing their genesis.
>
> *I can give you the assurance that you will be protected by the American forces forty-eight hours after you have proclaimed the new Republic* in the whole Isthmus.

That secession would be protected by American forces was communicated to Dr. Amador, a representative of the separatists, by Bunau-Varilla, as stated above. This was immediately after one of his trips to Washington. Was secession protected? This question is easily answered. It had been arranged that the Province of Panama was to declare her independence on November 4, 1903. This was actually done. The *Nashville* arrived at Colon on November 2. The *Dixie* (at Colon) and the *Boston* (at Panama) arrived a few days later. The telegrams to their commanders, dated November 2, 1903, quoted on an earlier page, show that the protection was furnished exactly as promised to the separatists by Bunau-Varilla.

The question at once arises how could Bunau-Varilla have given such an assurance? Events show that it was carried out as given. Who gave him the advance information? It is an established fact that he had it. He told us in his book that he had it. After giving an account of the movement of American warships, he observes:

> Evidently the movements of Amador had been watched, and his departure for the Isthmus after his conference with me had raised suspicions of an early explosion of the revolution after the Colombian Congress had closed its session.
>
> The sending of the *Dixie* to Guantanamo showed the preoccupation of the American Government. It did not disguise its preoccupation in its communications to the press. Does not this simple fact in itself give the lie to the absurd and prejudiced story of a revolution organized by the United States Government?
>
> They had probably at Washington associated in their minds the departure of Amador and the prediction I had formulated in my interview with President Roosevelt on the 9th of October, and with Mr. Hay on the 16th as to the imminent peril of a revolution. The conclusion which must have been reached was that the departure of Amador after his interviews with me was the beginning of revolutionary operations.

To think of the Government at Washington watching the movements of Amador! Moving men-of-war as Amador moved! What hypocrisy! Soldiers and munitions of war were needed for a real revolution. Therefore, watching, if

any, would have been on the Isthmus. There was no watching. Facts controvert the supposition. There is no evidence of it. Instead of watching there was a dispatch from the Isthmus calling for an American man-of-war at Colon, and making compliance a condition of secession. Evidence shows that the Roosevelt Administration came to an understanding with the separatists through Bunau-Varilla as intermediary and that it was not engaged in watching the movements of anybody.

Dr. Amador encountered difficulty in persuading the separatists to proceed with secession. He had only oral assurances of protection. They expected documentary evidence. They insisted that tangible evidence of protection by the forces of the United States should precede action. We will let Bunau-Varilla state the situation:

> One of them [separatists] must have arisen and said: "If Bunau-Varilla is so powerful, let him prove it. He says we shall be protected forty-eight hours after establishing the new Republic. Well? We will believe him, if he is capable of sending an American man-of-war to Colon at our request." . . . The whole question of the life and death of the canal was condensed in the following words: An American man-of-war must be sent to Colon.
>
> If I succeeded in this task the canal was saved. If I failed, it was lost. . . .

I could just as well think it over in the train [to Washington] as in my own room.

On October 29, Bunau-Varilla actually received a telegram from Dr. Amador to the effect that an American man-of-war must be sent to Colon. The *Nashville* was ordered to Colon on October 30th. It arrived there on November 2. On October 31, Bunau-Varilla telegraphed Dr. Amador from Baltimore that a man-of-war would arrive at Colon in two-and-a-half days. It arrived at Colon as promised. This is no mere coincidence. It taxes credulity to believe it, but let Bunau-Varilla continue his observations:

The revolution was made because the connection between the request of a boat to me and the arrival of the boat materialized in the eyes of the confederates the reality of the influence which Amador had asserted to them I possessed over the American Government.

Evidently they imagined the situation to be quite different from what it really was. They believed this influence to be of a direct and material order. They could not understand matters as they really were. They could not imagine that there was no material influence exerted and that I was merely correctly and mathematically calculating [correctly and mathematically calculating—what audacity!] the forces at play, among which the main ones were the duty and the interest of the American Government.

The arrival of the *Nashville* corroborated the information communicated to the separatists by

Dr. Amador. They were skeptical until the *Nashville* appeared. When it appeared as promised they were convinced—in short, they knew. The Colombians also knew. Now it is ineffaceable history, with a meaning other than that which Bunau-Varilla would have us believe. He says in his book:

> Every one interpreted the *Nashville's* arrival as a determined intervention of the United States, and the Colombians were just as much persuaded of this as were the people of Panama. This carried to such a pitch the enthusiasm of the latter, and the discouragement of the former, that the Colombians decided to withdraw peacefully.

Is the so-called Republic of Panama the outcome of mathematically calculating the forces at play? Does a sane man counsel others in such a grave case as glibly as Bunau-Varilla alleges he did? We do not believe his own indictment of himself. If true, it would make him a degenerate. There is no evidence of degeneracy in his story. We find in it only evidence of calculated duplicity.

Is it believable that Bunau-Varilla advised the separatists in Panama to proceed with secession with no other assurance of protection by the United States than his inference? There was at stake for the separatists: their lives, their prop-

erty and the welfare of their families; for Bunau-Varilla, his large holdings of stock in the New Panama Canal Company. His story has none of the earmarks of truthfulness. It is a crude invention. It is, however, necessary to conclude that he had the advance information that he communicated to the separatists, but that he did not come by it as he would have us believe.

Swift says:

> As universal a practice as lying is, and as easy a one as it seems, it is astonishing that it has been brought to so little perfection, even by those who are most celebrated in that faculty.

This is another way of saying that the mind cannot create a substitute for reality. Facts are inexorable. Reason will, in due course, puncture the inconsistency in a pseudo-explanation, and truth will stand revealed because it matches.

Secession was to be effected on November 4. The United States was to have men-of-war at Colon and at Panama to protect secession within forty-eight hours. But a hitch occurred. It became known on October 29 that Colombian forces not expected until November 10 would arrive in about five days. Panama, although "seething with revolution," as Roosevelt would have us believe, was not prepared to deal with an unex-

pected force of some two hundred soldiers. Hence, Dr. Amador telegraphed Bunau-Varilla for aid on October 29:

> We have news of the arrival of Colombian forces on the Atlantic side within five days; they are more than two hundred strong; urge warships Colon.

Upon receipt of this telegram, Bunau-Varilla hurried to Washington. The *Nashville* arrived at Colon one day before the Colombian troops. Panama called for help seven days before secession, and on the sixth day help was already speeding to Colon. But why did Bunau-Varilla hasten to Washington upon receipt of the above telegram? It would seem that his advance information was not based on inference after all, that is, upon nice mathematical calculation. Such calculations are best worked out in a quiet room and not in a noisy train to Washington. It would, therefore, seem that our then Administration was the source of his knowledge.

In the *Independent* of November 26, 1903, Dr. Amador states that the separatists of Panama believed that the United States would not allow Colombia to suppress secession. He states guardedly:

> Of course, we expected that the United States would not let the Colombian troops attack us, because of the

effect that war would have in the way of blocking the traffic across the Isthmus, but we had no understanding with the Government here, nor are the people of the United States at all responsible for the revolution. It was our own act.

This statement is indicative of foreknowledge. It could not have been inferred from previous attempts at secession. Therefore, there must have been an understanding with our Administration. Will the latter make good? That was the final unknown quantity in the anxious days preceding secession. Secession was held in abeyance until tangible evidence appeared. It appeared on November 2—*the Nashville*. Thereupon Shaler, superintendent of the Panama Railroad, gets into communication with Prescott. What transpired is recorded in the following:

Have just wired you that the *Nashville* had been sighted. This I presume settles the question.

It did settle the question. It was to be secession. It also settles another question. It shows that our then Administration was the foster-father of secession—gave it form and substance, and became its controlling spirit just before and immediately after the Declaration of Independence.

From and after November 2, 1903, the follow-

ing warships appeared in Isthmian waters: The *Dixie, Nashville, Atlanta, Maine,* and *Mayflower,* at Colon; the *Boston, Marblehead, Concord,* and *Wyoming,* at Panama. This is a larger number than were sent on previous occasions when there was actual revolt. Therefore, their object was different. On all previous occasions our warships were ordered to Isthmian waters to protect the lives and property of Americans and to assist the sovereign in maintaining uninterrupted transit. In the fall of 1903, they were sent to protect secession. This is clearly reflected in the telegrams to the *Nashville, Dixie* and *Boston* on November 2, 1903.

These dispatches were not sent for the purpose of protecting Isthmian transit, but for the purpose of assuring the peaceful birth of the so-called Republic of Panama, and maintaining it after birth. In short, before the birth of the so-called Republic of Panama, and at a time when Colombia was in undisputed possession of the Isthmus and exercised undisputed sovereignty over it, dispatches were sent to armed vessels of the United States in the Atlantic and Pacific instructing them to prevent the Government of Colombia from landing troops on her Isthmian territory.

We have given complete the telegram to the commander of the *Nashville,* dated November 2, 1903. The vessel named was the first warship to arrive in Isthmian waters on the Atlantic side. The telegram to Rear Admiral Glass of the *Boston,* dated November 2, 1903, is interesting from the fact that the vessel named was the first man-of-war to arrive in Isthmian waters on the Pacific side. It is here reproduced in full:

> Proceed with all possible dispatch to Panama. Telegraph in cipher your departure. Maintain free and uninterrupted transit. If interruption is threatened by armed force occupy the line of railroad. Prevent landing of any armed force, either Government or insurgent, with hostile intent at any point within 50 miles of Panama. If doubtful as to the intention of any armed force, occupy Ancon Hill strongly with artillery. If the *Wyoming* would delay *Concord* and *Marblehead,* her disposition must be left to your discretion. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment landing would precipitate a conflict.

Collaboration in the secession of the Province of Panama is no worse than the foregoing telegram. Collaboration is merely the forerunner of such a telegram. The policy embodied therein is a departure from our traditional Isthmian policy. Collaboration matches with this and other telegrams of the same date. *An Administration ca-*

pable of sending them is capable of collaboration because the two are clearly complementary and stand on the same ethical plane. The collaboration planned the dismemberment of a friendly state; the telegrams directed the carrying out of dismemberment. Why balk at the planning, collaboration, and not balk at the act, which is merely a part of an indivisible whole? The one is a corollary of the other. We know that our then Administration is guilty of the act of dismemberment. We believe that the known facts warrant the conclusion that it collaborated with Bunau-Varilla in making arrangements for protecting secession.

Collaboration to effect the dismemberment of Colombia adds no sting to that of dismemberment which is conceded. In November, 1902, three provinces in revolt for some three years laid down their arms. In November, 1903, we are asked to believe that one of them actually projected a serious uprising. It staggers belief. Facts show that there was no intent of a serious uprising on the part of the inhabitants as a whole. They also show that if advance assurance of the coöperation of the United States could not have been secured, there would have been no secession. As projected, planned and executed, the ma-

chinery of the so-called revolution was to be and actually was on our gunboats. A microscope does not disclose any other preparation. The so-called Republic of Panama is a fact. It is mute evidence of collaboration.

Colombia hesitated about curtailment of her sovereignty in the Canal Zone. She felt that if curtailment were to be acquiesced in, then the compensation offered was not adequate and so she was seeking a formula along the line of abridged sovereignty, and of enlarged compensation through long period re-valuation of the grant. This was repugnant to our Administration. Panama would grant all that it wanted and ask no questions. Here is an impelling motive for collaboration, and one that was in harmony with the desire to make good the threats made when the Hay-Herran treaty was under consideration.

We have examined several telegrams dated November 2, 1903. We have seen that they were not designed to protect transit between Colon and Panama, but to protect secession. Plans do not, however, unfold with clockwork precision. The telegram to the Commander of the *Nashville* was delayed in delivery, and so the landing of the new contingent of Colombian troops already men-

tioned was not prevented. It is shown in the following telegram received by Secretary Hay from Colon, dated November 3, 1903:

> Troops from vessel *Cartagena* have disembarked; are encamping on Pacific dock awaiting orders to proceed to Panama from commander-in-chief, who went there this morning. No message for *Nashville* received.

On the same date (November 3) Commander Hubbard of the *Nashville* replied to the telegram sent him November 2, as follows:

> Receipt of your telegram of November 2 is acknowledged. Prior to receipt this morning about 400 men were landed here by the Government of Colombia from Cartagena. No revolution has been declared on the Isthmus and no disturbances. Railway company have declined to transport these troops except by request of the governor of Panama. Request has not been made. It is possible that movement may be made to-night at Panama to declare independence, in which event I will . . . (message mutilated here) here. Situation is most critical if revolutionary leaders act.

Message mutilated! The most vital part of the message mutilated so that its contents are to remain forever unknown! And the original message to the Commander of the *Nashville* ordering him to proceed with all possible speed to Colon missing! We will not indulge in inference. The reader will know that it is not a coincidence—that it has a sinister look. In his of-

ficial report, Commander Hubbard tells us why he did not prevent the landing of the Colombian troops which arrived on the *Cartagena* on November 3:

> Inasmuch as the Independent party had not acted and the Government of Colombia was at that time in undisputed control of the Province of Panama, I did not feel, in the absence of instructions, that I was justified in preventing the landing of those troops.

If Commander Hubbard of the *Nashville* had had the telegram sent him on November 2, the troops and administrative officers on the *Cartagena* would not have been allowed to land. In short, Colombia would have been prevented from landing troops on a part of her territory when there was no disturbance whatsoever. *And that is called protecting the transit and maintaining order! It is the only interruption of the transit and of the peace that there was.*

As already stated, there was no revolution, there was no uprising. Certain interested persons merely volunteered to organize a civil government in the Province of Panama, independent of that of Colombia, if assured of protection by the United States. The protection was assured and was given. The purpose was to enable the one to grant and the other to receive title to the

Canal Zone. Colombia was to be barred from interfering by the display of overwhelming force. That is what was planned, and that is what eventuated.

The military forces of Colombia arrived at Colon in fulfillment of her obligations under the Treaty of 1846 and in the performance of the most elementary duty of a sovereign state. Those of the United States were there to interrupt in its most sacred use. It was the sovereign right of Colombia to secure transit from Colon to Panama for her troops, and the duty of the Railroad, under its charter, to supply it. The United States did interfere without a scintilla of right and in violation of the Treaty of 1846. Note the following telegram to the Commander of the *Nashville* at Colon, dated November 3, 1903:

> In the interests of peace make every effort to prevent Government troops at Colon from proceeding to Panama. The transit of the Isthmus must be kept open and order maintained.

Peace prevailed in the Province of Panama on the date of this telegram. There were no insurgents. There was no preparation whatsoever for an uprising. We adopt the following from the pen of Leander T. Chamberlain as our own:

> Yet the President issued an order preventing Colom-

bia from moving her own troops, via her own railway, from her own Colon to her own Panama! So far as concerned their freedom to go to the scene of danger, Colombia's troops were reconcentradoed and manacled! Let it still be borne in mind that there was no interruption of transit by either loyalist or insurgent. Let it be taken into account that the President, himself, under the pretense of maintaining peace and order when peace and order perfectly prevailed, violently interrupted free transit, absolutely closing it to the forces of sovereign Colombia, a treaty-bound ally of the United States!

There is no direct evidence known to the writer that the Roosevelt Administration collaborated in the ante-secession arrangements to wrest the Province of Panama from Colombia. The known facts, however, point overwhelmingly to collaboration. The evidence is circumstantial, but not a link is missing. The evidence is reenforced by motive on the part of the Administration at Washington. Colombia had not yielded to solemn warnings.

We read on page 564 of Roosevelt's autobiography:

No one connected with the American Government had any part in preparing, inciting, or encouraging the revolution, and except for the reports of our military and naval officers, which I forwarded to Congress, no one connected with the Government had any previous knowledge concerning the proposed revolution, except such as was accessible to any person who read the newspapers and kept abreast of current questions and current affairs.

Small provinces, planning a revolution, keep such matters secret so as to enable them to make adequate preparation without interference. The foregoing seems to indicate that there was preparation on the Isthmus, which is contrary to the facts. If it were true, Colombia must have known. Why then did she not have an adequate force on the Isthmus?

The separatists of Panama knew what the Roosevelt Administration would do after independence had been declared. All statements as to how they found out crumble before the searchlight of historical method. The sifting process leaves certain established facts from which we can draw our conclusion. The separatists knew what our Government would do and the line of action pursued by our Administration was in accord with what they knew and with what they expected. Tradition forbids inference to be the source of their enlightenment. The Commander-in-chief of the Army and Navy was the sole and only person who could have communicated to Bunau-Varilla information of so formidable a character as he conveyed to the separatists of Panama.

The Roosevelt Administration gave form and substance to the arrangements for the secession

of Panama, in short, gave the movement the vitality that it possessed. Without collaboration there would have been no secession. An inner circle in Panama were the *Alpha* and our Administration was the *Omega* of this vaudeville, with Bunau-Varilla acting as Master of Ceremonies, that is, acting as the coördinating genius who effected the coöperation of those interested in the performance. Had not the vessel *Cartagena,* with its new contingent of Colombian soldiers, introduced a discordant note by arriving seven days earlier than originally expected, the performance would have become history exactly as prearranged.

The aim of the United States in the negotiation of the Hay-Herran treaty was to secure *de facto* sovereignty over the Canal Zone, and its equivalent over the canal littoral. Colombia desired that the United States should become, as far as concerned the canal, a corporation sole for the purpose of constructing and operating it under her own sovereignty. There was a vital conflict of interests. It could only be adjusted by compromise. Colombia asked for the reopening of negotiations with the view of finding a workable formula. The Roosevelt Administration cut the Gordian knot by guaranteeing the success of the

secession of the Province of Panama from Colombia.

The quotations given in this chapter from Bunau-Varilla's book on Panama and those from otherwise trustworthy sources point unmistakably to the conclusion drawn by us from them. These have been stated as the narrative progressed. We will now assemble them and give them a setting in arguments not heretofore fully presented. In doing this we aim to show more fully than we have done so far that there was collusion between our Administration in 1903 and a few separatists on the Isthmus, and that this conclusion is not only warranted but inescapable.

Roosevelt seeks in a variety of forms to convey the impression that conflict was imminent on the Isthmus and that American intervention prevented it. The fact is just the opposite. There was no preparation on the Isthmus for physical combat. We hear of a so-called fire department of some four hundred men having a military purpose. But what are four hundred undisciplined men against Colombia's more or less trained army of some ten thousand!

The unavoidable conclusion is that the Roosevelt Administration collaborated with the sepa-

ratists of Panama through Bunau-Varilla as intermediary, gave form and substance to secession, and was its controlling spirit just prior to and immediately after the Declaration of Independence by the council of the City of Panama on November 4, 1903. Our then Administration and the separatists in the City of Panama—the rest of the province was not consulted—understood each other before the Rubicon was crossed.

Bunau-Varilla positively asserts that he was in possession of the information that the Roosevelt Administration would protect secession and that the act of secession was based on that assurance and shaped to conform to it. We have shown that the data on which Bunau-Varilla alleged he *inferred* it are false. With it crumbles inference as a source of his information. *He, however, had the information.* He said so in his book. Events show that he had it. That proves his statement. He could have gotten it in but one way and that was by collaboration with our Administration. He has shown the opportunity—conferences with members of our Administration including the President. It is now the province of the student of history to do some inferring and that inference is that our Administration con-
d to Bunau-Varilla the information that he

says he arrived at in an elegant manner by a nice mathematical calculation.

The statements of Bunau-Varilla do not ring true. When viewed as a whole, they sound like an attempt to explain events connected with the dismemberment of Colombia so as to disprove actual connection of the Roosevelt Administration with it as far as concerns its planning. In this he has not only failed, but has actually furnished the corroboration needed to establish it.

When statements—it matters not with what unction they are uttered—conflict with established facts, it is the statements which suffer, the facts are mute evidence that the statements are false. It is impossible for the assurances given by Bunau-Varilla to the separatists of Panama, and subsequent events on the Isthmus, to have been the result of inference. They were the result of information communicated. It is immaterial whether it was conveyed to him in whole or in part, direct or by proxy. Secession and the organization of the so-called Republic of Panama were based on it.

We may well ask where a man would go who was basing everything on inferences derived from facts. Presumably to a large library where he would have access to the facts on which to rest

the inferences derived by refined mathematical calculations. Possessed of the facts, he would perhaps seek the quiet of a dark room and meditate undisturbed by distracting noises present on a train. But Bunau-Varilla went to Washington. Why? There was domiciled the person who could order a warship to Colon. The *Nashville* was ordered to Colon!

Isthmian events show such a perfect coördination that they preclude any other conclusion than that of collaboration between the Roosevelt Administration and the separatists of Panama. The coördination was too perfect to permit of any other conclusion. The discord caused by the arrival of 474 Colombian soldiers earlier than originally expected must be eliminated to see the plan as pre-arranged, and this additional item must then be fitted in to give us the true story.

The original plan provided for the prompt recognition of the *de facto* government of the new republic by the United States after the Declaration of Independence. The telegrams which pertain to the elimination of the new Colombian forces which arrived on November 3 are supplementary thereto. The formidable character of these telegrams and the sayings and conduct of the Isthmians during the three stirring

days in which they were eliminated are now mute evidence of pre-arrangement—that a workable understanding existed between Bunau-Varilla and our Administration.

Every vital statement made by Bunau-Varilla on which he claims to have based his inference is false. This disposes of the nice mathematical calculations whereby he claims to have arrived at the conclusions on which the separatists acted. There remains, however, the fact that the separatists acted in the confident belief that the United States would protect secession and see the movement through. She did as they believed. The assurance was given to them by Bunau-Varilla. He did not come by the knowledge as he alleges. How did he come by it? How could he have come by it? As it involved a departure from traditional American policy, the knowledge could have been received from but one person—the President. No subordinate could have set in motion the machinery actually set in motion whereby the success of secession was effected.

All the details of this discreditable and regrettable affair cannot yet be filled in. The salient points alone are known. It is unlikely that the missing details will alter the general conclusion as to how the rape of Colombia was arranged and

effected. It may alter somewhat the connection between Washington and Panama, but it will not sever it at a vital point.

Tracy Robinson, prominent among the separatists and author of a book on Panama, ventures this statement concerning secession: "The details would afford material for a wonder story." Clearly, according to this, all is not recorded, all has not been told. If the course that our then Administration pursued was honorable, there is nothing to conceal. A wonder story would be a good seller. The separatists would figure in it as heroes. They smote the oppressor, threw off the yoke of oppression and founded a Republic dedicated to liberty and justice. *But the wonder story is not yet written.* The fact that it is not written—that those who know the facts have not recorded them—is mute evidence that there are facts connected with the secession of Panama that would not look well in print. We have assembled the known facts and matched them so as to reveal the essentials of the story.

As already indicated, Roosevelt and Bunau-Varilla have attempted to construct a substitute for actual history in their accounts of the secession of Panama. They have attempted the impossible. Their invented facts do not fit into

their assigned places. They do not match with the actual facts and with one another. This is the weakness of their explanation. It is the rock on which their explanations founder.

If we take the known facts and arrange them so that they match, the mind automatically supplies any missing link. The missing link in the history of the secession of the Province of Panama from Colombia is the fact that an understanding existed with our then Administration. With that supplied, the story is complete, the record becomes rational and the events stand in a causal relation. Roosevelt's assertion, *"I took the Canal Zone,"* is virtually the missing link, that is, it is another way of stating that an understanding existed between our Administration and the separatists on the Isthmus.

The writer vacillated between suspicion and conviction until he had read Bunau-Varilla's book on Panama. This convinced him that there had been an informal exchange of views between the Roosevelt Administration and Bunau-Varilla, and that the latter was informed that the American navy would be used to prevent the landing of Colombian soldiers on the Isthmus if the separatists in Panama would take over the civil government of the province.

That those who sought the secession of the Province of Panama from Colombia made overtures to our Administration is acknowledged. Secession was for the sole purpose of creating a state capable of granting to the United States the coveted title to the Canal Zone. Naturally, such overtures would be made. It was not necessary to record the understanding arrived at. The Declaration of Independence on November 4, 1903, recognition of Panama as a sovereign state on November 6, 1903, and the signing of the Hay-Bunau-Varilla treaty on November 18, 1903—all in two weeks—tell us that there was an antecedent understanding, regardless of pretensions to the contrary.

The separatists of Panama spent their time designing political machinery instead of preparing to overthrow Colombian sovereignty by force. They acted differently in 1899–1902 when there was a real revolution. Why this departure from the normal course? Because coercion of Colombia by the United States had failed, and our Administration had entered into the calculations of the separatists, either direct or by proxy. At first the separatists had apparently looked for money and military preparedness. That was abandoned in the twinkling of an eye. Why!

Because a substitute had been found. The American marines would be there. They would be sufficient. Indeed the known facts connected with the secession of Panama connect our Administration with the ante-secession arrangements as unmistakably as though there were official documents to prove it. More so because documents can be tampered with, but events cannot. A Persian poet has well said:

> The moving finger writes, and having writ
> Moves on; nor all your piety nor wit,
> Shall lure it back to cancel half a line,
> Nor all your tears wash out one word of it.

The action of General Huertas of the Colombian forces at Panama and of the officials of the Panama railroad in the stirring days prior to the Declaration of Independence show that they had foreknowledge (convincing proof) of what the United States had agreed to do. General Huertas committed treason. The railroad officials jeopardized the interests of the stockholders of the property in their care. Are steps with such grave consequences lightly taken? To ask the question is to answer. Pre-arrangement with the United States is writ large over the portal to Isthmian events which resulted in the establishment of the so-called Republic of Panama. In-

sert pre-arrangement into the ensemble of Isthmian events and they match. Without it they are bizarre—discordant facts.

History is not bizarre. Human beings act according to law. Tradition is their guide unless it is positively and efficaciously set aside by an antecedent assurance. Such antecedent assurance Bunau-Varilla gave to those directing the secession movement in Panama. They acted on it. They were not deceived. Bunau-Varilla did not become informed as he states he did. His only source of information could have been the Commander-in-Chief of the Army and Navy of the United States, either direct or by proxy, and he is believed to have been too shrewd a politician to employ a proxy.

Bunau-Varilla gave assurance to the separatists that the United States would protect secession. It is reported that when the time for action arrived, Dr. Amador cabled to him in New York to verify this assurance of protection. Dr. Amador is reported to have said as he wrote the telegram:

> If this man Varilla can bring an American warship to each side of the Isthmus, then we may proceed.

The answer to the telegram came:

Go ahead. American warships will be on either side of the Isthmus in forty-eight hours.

The first arrived on November 2, and the others a little later. They did not arrive as the result of accident. It was not coincidence. The Bunau-Varilla telegram was not based on inference. This is confirmed in a newspaper article of the time. Teague writes in the Washington *Post* for December 7, 1903:

It is an indisputable fact that the conspirators for independence at Panama believed implicitly, before they made a single open move for independence, that advance assurances of support had been given by the Government at Washington. This belief is so fixed that those in the conspiracy do not hesitate to say that the first move would never have been made had it not been believed that Washington had given a promise of support.

These statements of Teague are abundantly corroborated by other journals. We read in the New York *Evening Post* of December 8, 1903:

The *Cartagena* outfit, civil and military, was landed at Colon. Leaving command to Colonel Torres, the generals (Amaya and Tovar) boarded a train for Panama. This city was in a ferment. The revolutionists thought the jig was up. What should be done? Now, General Huertas, in command of the garrison, had fought under General Herbert O. Jeffries. . . . He said to Jeffries:

"Will you stand by if I deliver the garrison to the revolutionists?"

"Sure," answered Jeffries.

Then Jeffries went to the nonplussed revolutionists and declared, "You have arrived at the time described in

an old Spanish proverb saying—You have got to give birth now, or burst." . . . A dispatch came from Colon. . . . It said that the Panama Railroad had refused to transport the Colombian troops across to Panama. Hearing this, the revolutionists took heart. They would go on. At five o'clock they would serenade the Colombian generals. Then after dinner the generals would be seized, and the same band which had welcomed them would sound the tocsin of the revolution.

On the evening of October 31, 1903, there was a final meeting of the secessionists at the home of Doctor Amador—eight in number.

They heard that Doctor Amador had telegraphed Varilla that everything was now ready for the overturning. They adjourned with the remark that "If Varilla could move some American men-of-war to the Isthmus, he is somebody, and we can go ahead." In the morning [November 1] arrived a reply from Varilla, dated October 31, saying that American men-of-war would be at the Isthmus immediately to keep transit open. . . .

November 4 was fixed on as the date for "the movement." The work of enlisting the aid of Government officers had progressed. Admiral Varon of the Colomgian gunboat *Twenty-first of November* was won over with all his forces. General Huertas, commandant of the garrison, was found easy to approach. . . . To rid himself of officers and men he was not sure would enter the plot to revolt, he pretended to have had a dispatch saying that revolutionists were landing at Cocla, down the coast. Then he sent off all the distrusted officers and men to put down Cocla's imaginary insurrection.

Señor Melendez, of Colon, was called to Panama, and asked to be ready to take the governorship of Colon on the 4th. About noon on the 2d the *Nashville* arrived at Colon. Everything was favorable, except that no American warship had yet appeared at Panama. Suddenly that evening, to the consternation of the plotters, the Colombian warship *Cartagena* steamed into Colon,

bearing some 500 soldiers, 50 clerks and a new governor.

Further confirmation of the foregoing is furnished by Teague in the Baltimore *American* for December 12, 1903:

The promoters of the revolution are compelled by experience to distrust a large proportion of those men upon whom they are now forced to rely. They know that the army and police force were purchased to support the revolution, and knowing that these factors are susceptible to corruption, they do not know to-day whether the military and police officials are true or untrue to the republic. . . .

All they [the real revolutionists] hope for is that they can keep things going as they now are until after the Canal treaty is signed by the members of the junta. That act of ratification accomplished, the revolutionists will have little interest in the Republic. . . . The revolutionists have a bland and childlike faith in the great American Republic.

It matters not what statements may be made at Washington or what stories may be current in the States, all Panama believes that the revolution was made possible by Washington's foreknowledge of what was proposed, and an expressed determination by the Government at Washington to give moral and physical support to the revolutionists. There is a reason for this belief, for it was not actually decided to attempt the *coup* which resulted in the creation of the Republic until advices were received from the State to the effect that if it should be attempted the United States would back it up.

These advices were not official, so far as the Administration was concerned, but they were of such a character . . . as to convince the revolutionists that all they had to do was to take the initiative and then rely on the United States to insure the success of the project.

These excerpts give support to the assertions already made that the Roosevelt Administration expected warships to reach Isthmian waters in time to prevent the landing of any new contingent of Colombian troops, and that the separatists knew that all they needed to do was to persuade ($, $) the Colombian forces then on the Isthmus to acquiesce in secession. They were persuaded. This was the part that the separatists were to play in the rape of Colombia. Our marines were there to do the rest. In short, Isthmian cash and the American navy were to coöperate to effect the success of secession.

Obviously, the inner circle in Panama could not have proceeded with the extreme measures that it did unless it had made adequate local preparation or had an understanding with our Administration. The absence of local preparation will be discussed in Chapter VI. We hear of nothing but the non-resistence of Colombia's troops in the City of Panama, and their yielding to persuasion of a pecuniary kind. Therefore, it is a probability amounting to a certainty that there was an understanding between the separatists and the *Big Brother* of the north. The *Big Brother* acted with such clockwork precision in the scheme that doubt is transformed into con-

viction. No reasoning along the ordinary inferences of human life can arrive at any other conclusion.

It was plainly the understanding that the Province of Panama should declare her independence of Colombia and simultaneously assume all the functions of civil government. The United States was to recognize the independence of the new republic immediately. Thereafter the Treaty of 1846 was to be construed as in force with the new republic and Colombia would, *ipso facto,* be like any other foreign country in this respect. American warships were to be there to prevent the landing of any new contingent of Colombian troops on the Isthmus. This was to be done under the pretense of complying with the Treaty of 1846. No additional Colombian troops were expected until the entire *coup* was completed. Thus, there was an attempt to give to an unlawful act the appearance of regularity and legality.

Malmros, American Consul at Colon, in his telegram to Secretary Hay, dated November 3, 1903, states:

Revolution imminent. Government force on the Isthmus about 500 men. Their official promised support revolution. Fire department Panama, 441, are well or-

ganized and favor revolution. Government vessel, *Cartagena,* with about 400 men, arrived early to-day with now commander-in-chief, Tovar. Was not expected until November 10.

And this is the extent of the preparation for military operations in a province that is "seething with revolution"! A political fire department of some 400 men and some other patriots whose adhesion was secured by the *cash-nexus.* Revolution! Robbing a sister republic of a province under a cloak of respectability.

The seizure of the Canal Zone, as originally planned, provided for the persuasion ($, $) of the Colombian garrison and officials domiciled on the Isthmus to act with the separatists and for the United States to have an adequate naval force near enough so that it could reach Isthmian waters in time to prevent Colombia from landing troops to reëstablish her sovereignty. This plan was frustrated by the earlier arrival of a new contingent of Colombian troops. Had these troops not arrived before the plan was ready for execution, Dr. Amador would not have had to make the representations to the Colombian generals that he did make. These representations match with established facts and are, therefore, conclusive as evidence. They point unmistakably to collusion.

The events connected with the elimination of these Colombian troops tell the story as convincingly as though it were a matter of official record—signed, sealed and delivered. They prove that there was no revolution projected. They prove that none eventuated. They prove that the so-called Republic of Panama is the product of intrigue between Washington and Panama through the good offices of Bunau-Varilla.

Chapter V

Violation of the Treaty of 1846

In this chapter, we will show that President Roosevelt, in the part that his Administration took in the vaudeville revolution on the Isthmus in the fall of 1903, violated the Treaty of 1846, then in force with Colombia, as well as a universally recognized principle of international law. We will give the provisions of the treaty violated and point out wherein they were violated. We will conclude with an appeal for a more sacred keeping of our solemn engagements than we have done in the case of our Isthmian Canal treaties.

The foregoing statement of faithlessness on the part of an American Administration is so grave that no self-respecting person would make it lightly. It must be immediately followed by something tangible that will indicate the possibility of its being sustained by evidence. Various utterances of Roosevelt serve the purpose. We will begin with the associated press report of a talk by Colonel Goethals before the University

Club of Chicago on January 3, 1915. President Roosevelt is reported to have said to Colonel Goethals:

> Colonel, I think I'll abolish that commission and concentrate all authority in you. An Executive order will do it.

Colonel Goethals mentioned the foregoing to Secretary of War Taft, who responded:

> Yes, that's the way it ought to be done, but it isn't in accordance with the law.

Colonel Goethals stated that he reported the observation of Secretary Taft to President Roosevelt, who remarked characteristically:

> I DON'T CARE A HANG FOR THE LAW, I WANT THE CANAL BUILT.

A public official who does not care *a hang* for statute law probably does not care *a hang* for a treaty, although it is now generally considered to be a solemn engagement. Roosevelt has practically told us so. Speaking of the peace treaties negotiated by the Wilson Administration, he says:

> There is no likelihood that they will do us any great material harm, because it is absolutely certain that we would not pay the smallest attention to them in the event of their being invoked in any matter where our interests were seriously involved.

He, however, observes that the breaking of a treaty would do us harm in other than our material interests. We, of course, would unerringly pursue our material interests and disregard the moral. He says:

> But it would do us moral harm to break them even though this were the least evil of two evil alternatives.

The foregoing observations by Roosevelt are vital in this discussion. The Treaty of 1846 and international law stood in the way of our material interests. So he did not "pay the smallest attention to them" as the following shows: *"I took the Canal Zone."* His philosophy permitted him to disregard treaties and the law of nations and he did. It is seldom that a man boasts of faithlessness, and counts it a virtue. Roosevelt has committed himself to the doctrine that a treaty is not binding if our "interests are seriously involved." We, therefore, merely charge Roosevelt with having practiced in 1903 what he preached in 1914. Our offset to the foregoing is that our duty to civilization is paramount. This requires that we keep our solemn engagements even though our material interests are seriously involved.

Roosevelt has told us what the United States

would do if a situation arose where a treaty seriously conflicted with its material interests. In so doing, he has told us what he would do if he were President. In this book we are only telling what he did as President, and it is merely what he told us that he would do if he were President. We have also told how it was done—this is not confirmed by anything that he has said. We are merely applying his philosophy to the most important event of his Administration, and assert nothing except that he put his philosophy into practice in the fall of 1903.

Speaking of the labor-capital conflict in Colorado, Roosevelt is reported to have said at Uniontown, Pa., on October 28, 1914, according to the New York *World:*

> It becomes the duty of the United States to remove the injustices that cause that disorder, just as I did in the anthracite coal strike. I finally got them to submit to the judgment of the commission which I appointed. There was a laboring man on that commission, incidentally.
>
> But I then held myself ready if they had refused to have used the army. I would have taken possession of the mines. I would have put a complete stop to all lawlessness and would have seen that the mines were worked; but I would have had a Major-General of the United States run the mines as a receiver.

This is suggestive. "I would have taken pos-

session of the mines." By what authority, human or divine? We are not told. "I don't care *a hang* for the law." Enough has been said. We now know that he would not hesitate to violate a treaty or to disregard fundamental provisions of international law. We will show that he practiced in 1903 what he defended in theory in 1914.

An official who does not care *a hang* for statute law probably does not care *a hang* for international law or a solemn engagement if they delay the beginning of an undertaking which he is determined shall appear in the galaxy of great deeds to his credit. Therefore it can not be repugnant to such an official to violate a treaty (say that of 1846) if, in so doing, he can expedite the getting of the title to the Canal Zone which is preliminary to entrance upon canal construction. We believe that the philosophy he has expressed in the abstract covers the events on the Isthmus in the fall of 1903 as history is recording them.

The provisions of the treaty whose violation we allege form our starting point. The spirit of the treaty is found in the preamble and in Article 1. It must not be overlooked that the treaty was not negotiated with Colombia, but with the Govern-

ment which exercised authority over the same territory, namely, New Granada. It was continued unimpaired with Colombia until the Roosevelt Administration. This treaty was signed December 12, 1846, ratified and proclaimed in June, 1848. The preamble and Article 1 follow:

The United States of North America and the Republic of New Granada in South America, desiring to make lasting and firm the friendship and good understanding which happily exist between both nations, have resolved to fix in a manner clear, distinct, and positive the rules which shall in the future be religiously observed between each other, by means of a treaty or general convention of peace and friendship, commerce and navigation.

ARTICLE I

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of New Granada in all the extent of their possessions and territories, and between their citizens respectively without distinction of person or places.

We claim that Article XXXV of that treaty was violated. We will give this article in full save the portion dealing with the supersession of an earlier treaty. The bracketed insert gives a condensed summary of articles IV, V and VI, referred to in article XXXV. This insert, the preamble and Article I, as already mentioned, give the spirit underlying Article XXXV. The latter reads:

The United States of America and the Republic of New Granada, desiring to make as durable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points:

1st. For the better understanding of the preceding articles, it is and has been stipulated between the high contracting parties, that the citizens, vessels and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated Isthmus of Panama, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges and immunities concerning commerce and navigation, which are now or may hereafter be enjoyed by Granadian citizens, their vessels and merchandise; and that this equality of favors shall be made to extend to the passengers, correspondence and merchandise of the United States, in their transit across the said territory, from one sea to the other. The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures or merchandise, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens; that any lawful produce, manufactures or merchandise, belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be

liable to any import-duties whatever; or, having paid such duties, they shall be entitled to drawback upon their exportation; nor shall the citizens of the United States be liable to any duties, tolls or charges of any kind, to which native citizens are not subjected for thus passing the said Isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the 4th, 5th, and 6th [That is, extend to each other the most favored nation commercial advantages in addition to the mutual guarantees contained in this article, XXXV, concerning Isthmian transit] articles of this treaty, the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

2nd. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications. . . .

3rd. Notwithstanding the foregoing, if neither party notifies the other of its intention of reforming any of, or all, the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years, until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

4th. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party en-

gaging in no way to protect the offender, or sanction such violation.

5th. If unfortunately any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

6th. Any special or remarkable advantage that one or the other power may enjoy from the foregoing stipulation, are and ought to be always understood in virtue and as in compensation of the obligations they have just contracted, and which have been specified in the first number of this article.

This treaty clearly imposed upon the sovereign the duty to keep the transit unobstructed. If the sovereign was unable to do so on account of local disturbances, the United States, its nationals, or both, were entitled to compensation for damages actually sustained. The article provided a method for securing reparation, and it was actually applied in 1857 when damages were collected that resulted from the interruption of transit. The treaty, however, from the preamble to the closing article, does not derogate from the rights of the sovereign and none of the rights that the United States acquired by it supervened those of

the sovereign or any of the rights of sovereignty. This blends the violation of this treaty with that of the violation of international law, that is, the violation of the rights of sovereignty, under the law of nations.

What fundamental provision of international law was violated? In order to point it out clearly, we must define sovereignty. Sovereignty is the sum total of rights which attach to an independent state by virtue of being such. What then is a sovereign state? Stockton defines a sovereign state as follows:

> A sovereign state may be defined in general terms to be a fully independent and civilized community of persons, permanently located within a fixed country, organized under common laws into a body politic for mutual advantage, exercising the rights of government over all persons and things within its territory, and capable of entering into relations and intercourse with other states of the world.

This is enlarged upon and somewhat amplified in the following:

> All sovereign states within the purview of international law are equal, that is, equal in their rights and in their obligations, equal in their sovereignty, and in their independence.

From the foregoing it follows that sovereign states have two paramount rights:

1. The right of self-preservation.
2. The right of exclusive jurisdiction over their territory.

Sovereignty is a combination of all power, that is, power to do anything and everything in a state without legal accountability. It is the right of a nation to govern itself independent of any foreign power. This includes, of course, the right to suppress insurrection and to prevent dismemberment. Colombia had the right to suppress secession without interference from our Government.

Did New Granada impair or intend to impair in any way whatsoever, either of the foregoing rights when she entered into the Treaty of 1846 with the United States? If not, Colombia had the indisputable right to use force to preserve her sovereignty over the Province of Panama. Interference with that right was in violation of international law.

Whether impairment of the sovereignty of New Granada was intended can be best seen in official documents connected with the negotiation of the treaty, the most important of which is the following from a message of President Polk:

The general considerations which have induced me to transmit the treaty to the Senate for their advice may be summed up in the following particulars:

1. The treaty does not propose to guarantee a territory to a foreign nation in which the United States will have no common interest with that nation. On the contrary, we are more deeply and directly interested in the subject of this guaranty than New Granada herself, or any other country.

2. The guaranty does not extend to the territories of New Granada generally, but is confined to the single province of the Isthmus of Panama, *where we shall acquire by the treaty a common and coextensive right of passage with herself.*

3. It will constitute no alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest.

4. In entering into the mutual guarantees proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object . . . is to secure to all nations the free and equal right of passage over the Isthmus. If the United States, as the chief of the American nations, should first become a party to this guaranty, it cannot be doubted — indeed, it is confidently expected by the Government of New Granada — that similar guarantees will be given to that Republic by Great Britain and France.

All that the United States secured by this treaty on the Isthmus was *a common and coextensive right of transit* with the sovereign. As similar rights were to be extended to the other nations, according to the excerpt of the message quoted, in return for the guarantees embodied in Article XXXV, it follows that no impairment of sovereignty was intended by the negotiators of the

treaty. The guaranteeing powers, according to the intent of the treaty, were to keep transit open against obstruction by foreign powers and to maintain the neutrality of the Province of Panama under the sovereignty of New Granada. New Granada remained the sole protector of Isthmian transit against domestic obstruction. Outside intereference without her consent or request would be in violation of the treaty and of her rights as a sovereign state.

That the treaty was merely to grant to the United States *a common coextensive right of transit* with the sovereign on the Isthmus is further shown in the following excerpt from an official communication of Mallarino, at the time Minister of New Granada at Washington:

> On account of these reasons, and for the convenience of not awakening international jealousies by extraordinary and special treaties, the guaranty of territorial possession, to be given by the United States, ought to be incidentally introduced in treaties of commerce, as a part of and subordinate to them. . . .
>
> This end is simply and naturally to be obtained by stipulating, in favor of the United States, the total repeal of the differential duties, as a compensation of the obligation they impose upon themselves of guaranteeing the legitimate and complete or integral possession of those portions of territory that the universal mercantile interests require to be free and open to all nations.

In the course of his argument, Mallarino

points out that Great Britain would be at a commercial disadvantage—

> Unless she invited New Granada to alter upon the same conditions, the British treaty, constituting herself thereby, also, as a guaranteeing power of New Granada sovereignty upon the Isthmus.

It is clear from this, as well as from the treaty itself, that New Granada sought the guarantee of her sovereignty over the Province of Panama, and was offering as compensation *a common and coextensive right of transit* over the Isthmus, and the favored nation commercial provision in her entire territory. Under date of February 10, 1847, President Polk, in a special message to the Senate, said:

> There does not appear any other effectual means of securing to all nations the advantages of this important passage but through the guarantee of great commercial powers that the Isthmus shall be neutral territory. . . .
>
> The guarantee of the sovereignty of New Granada over the Isthmus is a natural consequence of this neutrality. . . . New Granada would not yield this province that it might become a neutral State; and if she should, it is not sufficiently populous or wealthy to establish or maintain an independant sovereignty. But a civil government must exist there to protect the works which shall be constructed. New Granada is not a power which will excite the jealousy of any nation.

The protection of the works to be constructed, canal and railroad, was to be under the exclusive

jurisdiction of the sovereign. There was not only no intent in this treaty to impair any of the then rights of sovereignty of New Granada over the Province of Panama, but there was, on the contrary, a clearly defined intent to safeguard for her that sovereignty in perpetuity.

The Isthmus has always had strategic value and therefore its possession has been coveted by other powers. The United States was one of them. This country guaranteed the sovereignty of Colombia over this territory in the Treaty of 1846. It gave no guarantee, however, against the success of a domestic insurrection. Therefore the United States was not obligated to keep transit open during a domestic uprising. The Treaty was entirely extra-domestic. The United States could intervene to keep transit open during a domestic conflict only at the request of the sovereign. Compensation for loss suffered during an interruption of transit was the only remedy open to the United States under the Treaty of 1846. She was clearly estopped from being the revolution herself under the cloak of a few separatists domiciled in the City of Panama.

One of the reasons advanced for the adoption of the Treaty of 1846 was that it would allay suspicion in Spanish-America. The argument ad-

vanced by the Minister of New Granada, Mallarino, clearly showed that the United States was believed to have territorial designs there. His argument clearly shows that one of the purposes of the Treaty was to secure territorial integrity for New Granada. The following, by the Minister named, is quoted from an official document on record in the State Department:

> Other reasons are relative to the United States' own fame and reputation, as assuredly nothing would so brilliantly vindicate them, nor acquire them greater augmentation of American affection than the fact that they, after having been branded as the oppressors and future conquerors of Spanish American republics should present themselves as the most jealous protectors of the territorial integrity of those very same republics in whose preservation they would appear taking an open and direct interest.

Did the sovereign surrender, or intend to surrender, the right of protection of isthmian transit to the United States, or did she contract, by implication, for the right to call on this country for assistance in the event that she was unable to afford protection? As already shown, the intent of the negotiators of the Treaty of 1846 was clearly not to derogate from the sovereign rights of New Granada, but to secure their inviolability.

In the light of the foregoing, read the telegrams

of November 2, 1903, to our naval forces in or soon to arrive in Isthmian waters. They are so vital that we reproduce vital excerpts from them. To the *Nashville* at Colon:

> Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello or other point. . . . Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict.

To the *Boston* at Panama:

> Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, at any point within 50 miles of Panama. . . . Government force reported approaching the Isthmus in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict.

When these telegrams were sent to our naval commanders, our Government read into a solemn engagement a construction not warranted by its wording or the intent of its negotiators.

The Treaty of 1846 would, of course, not have been agreed to by New Granada nor would it have been continued by Colombia if it had been believed that the United States would use it as a pretext

to wrest from its sovereignty the Province of Panama. The construction placed on this treaty by our Government in 1903 gave the United States power equivalent to that of *de facto* sovereignty over the line of transit and its littoral. As applied this power took precedence of the rights of the *de jure* sovereign. This construction of the treaty is without precedent in American diplomacy and without sanction in international law.

Contrast the foregoing telegrams with the policy pursued by our Government under the Treaty of 1846 previous to the Roosevelt Administration. Our earlier policy is well stated in a letter to his Government by Minister Concha, dated October 30, 1902. In this letter he protested against the new construction of the treaty, and clearly states our earlier interpretations. The portion that is to the point reads:

> When for the first time the United States used the right of transit via the Isthmus, which is guaranteed them by the existing treaty, it was with the simple object of sending troops to Oregon and California; that was effected by disembarking them and sending them across the Isthmus without having given any previous notice to the authorities; for that our Secretary of Foreign Affairs presented a protest in Washington through the legation, and in a conference in September of 1858 between the

Granadian minister, General Herran, and the Secretary of State, General Casey, it was agreed that in future whenever it was necessary to send American forces through the territory of the Isthmus they would come unarmed and as groups of private individuals "without enjoying the exemptions which are customary when troops pass through foreign territory, but, on the contrary, being subject to the territorial jurisdiction exactly like all other strangers." This agreement was punctually fulfilled during the American war of secession on the occasion when forces of the Government of the United States were sent to the Pacific. To-day, so advanced is the interpretation, that American forces are disembarked in Panama to disarm those of the sovereign of the territory. Whatever more extensive comment might be made on this point would be redundant.

Comparison of the foregoing excerpts of telegrams to our naval forces with the previous policy of our Government shows that the Treaty of 1846 was *scrapped* by the Roosevelt Administration in 1903. This treaty was negotiated by New Granada and continued by Colombia for the purpose of safeguarding their sovereignty over the Isthmus. It was violated, and, at the same time, used as a pretext to conceal from the American people the rape of Colombia.

When the telegrams just quoted from were sent, there was peace on the Isthmus. Yet, the sovereign of the territory was forbidden to land troops there to protect her sovereignty and was barred from the use of the Panama railroad,

which was obliged by its charter to transport Colombian troops from one side of the Isthmus to the other on demand.

On November 9, 1865, Secretary Seward sent a communication to our Minister at Bogotá which clearly defined the duty of the United States and that of the sovereign state in relation to the protection of Isthmian transit if obstruction was threatened as a result of domestic trouble. It reads:

The question which has recently arisen under the thirty-fifth article of the treaty with New Granada, as to the obligation of this Government to comply with a requisition of the President of the United States of Colombia for a force to protect the Isthmus of Panama from invasion by a body of insurgents of that country has been submitted to the consideration of the Attorney General. His opinion is that neither the text nor the spirit of the stipulation in that article, by which the United States engages to preserve the neutrality of the Isthmus of Panama, imposes an obligation on this Government to comply with a requisition like that referred to. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only. It could not have been contemplated that we were to become a party to any civil war in that country by defending the Isthmus against another party. As it may be presumed, however, that our object in entering into such a stipulation was to secure the freedom of transit across the Isthmus, if that freedom should be endangered or obstructed, the employment of force on our part to prevent this would be a question of grave expediency to be determined by cir-

cumstances. The department is not aware that there is yet occasion for a decision upon this point.

For the purpose of comparison with the foregoing telegrams, the following by Secretary Seward is even more to the point:

THE UNITED STATES DESIRES NOTHING ELSE, NOTHING BETTER, AND NOTHING MORE IN REGARD TO THE STATE OF COLOMBIA THAN THE ENJOYMENT, ON THEIR PART, OF COMPLETE AND ABSOLUTE SOVEREIGNTY AND INDEPENDENCE. IF THOSE GREAT INTERESTS SHALL EVER BE ASSAILED BY ANY POWER AT HOME OR ABROAD, THE UNITED STATES WILL BE READY, COÖPERATING WITH THE GOVERNMENT AND THEIR ALLY, TO MAINTAIN AND DEFEND THEM.

We will now throw into relief, that is, contrast the Roosevelt policy as contained in the telegrams quoted above with the policy of other earlier administrations.

Secretary Hamilton Fish declared that it was the duty of the sovereign under the treaty to protect Isthmian transit from domestic interference, and that the United States would insist upon it. It is contained in the following communication addressed to our Minister at Bogotá:

This Government, by the Treaty with New Granada of 1846, has engaged a guaranty of neutrality of the Isthmus of Panama. This engagement, however, has never been acknowledged to embrace the duty of protecting the road across it from the violence of local factions. Although such protection was of late efficiently given by

the force under the command of Admiral Almy, it appears to have been granted with the consent and at the request of the local authorities. It is, however, regarded as the undoubted duty of the Colombian Government to protect the road against attacks from local insurgents. The discharge of this duty will be insisted upon.

Compliance with the treaty obligated the sovereign to keep an adequate force on the Isthmus to maintain order during ordinary times and to send additional forces when needed. As already stated, there is not the slightest suggestion of impairment of sovereignty, or of any right of the United States to prevent the sovereign from landing troops on any part of the Isthmus, to maintain order or shifting them on the Isthmus as emergency arose.

The telegrams to our naval officers just quoted were sent to obstruct transit in its most sacred use. The sovereign was to be barred from its legitimate use. These telegrams were sent to give assurance to the separatists on the Isthmus that secession would be protected. In a time of profound peace, the sovereign was to be barred from the use of a railroad in his own dominion. This would hearten the separatists—galvanize the movement—and give vitality to secession.

In an earlier chapter we gave the view of Grover Cleveland. We will now contrast the

telegrams under examination with the following from the pen of his Secretary of State, Bayard:

> On several occasions the Government of the United States, at the instance, and always with the assent of Colombia, has, in times of civil tumult, sent its armed forces to the Isthmus of Panama to preserve American citizens and property along the transit from injuries which the Government of Colombia might at the time be unable to prevent. But, in taking such steps, this Government has always recognized the sovereignty and obligation of Colombia in the premises, and has never acknowledged, but, on the contrary, has expressly disclaimed the duty of protecting transit against domestic disturbances.

The policy pursued during the Roosevelt Administration is without a sustaining precedent. It is *sui generis.* It stands unique in its isolation. Its offspring is the so-called Republic of Panama. Its heritage is the ill-will of Colombia and of Spanish-America. Its by-product is national dishonor. Its aftermath is a stain on the Roosevelt Administration which all the waters of the canal can never wash away.

We have contrasted the action of the Roosevelt Administration in 1903 with that of earlier administrations. It is now proper to contrast it with that of the Roosevelt Administration in 1902, when, hat in hand, it was a suppliant at the feet of Colombia for a title to the Canal Zone.

We will do so in detail in the next chapter. A bird's-eye view serves our purpose here. The telegram dated October 16, 1902, sent by Secretary Hay to our Minister at Bogotá reads:

> This Government regrets misunderstanding which has apparently arisen in Panama. No intention to infringe sovereignty or wound dignity of Colombia. American commander was instructed in that sense October 10.

This telegram concedes that Colombian sovereignty was not impaired by the Treaty of 1846. Is not that which is conceded in 1902 binding in 1903? Therefore, Colombia had the unquestioned right in 1903 to dispatch her forces to the Isthmus to maintain order and to protect her sovereignty over the Province of Panama. It was also her duty to do so under the Treaty of 1846. The United States prevented her from performing her duty by the display of overwhelming force. In so doing our Administration violated the Treaty of 1846 and the principle of sovereignty as defined in international law.

In a time of profound peace (November 2, 1903), the United States forbade the actual sovereign to land troops to keep open the Isthmian transit and obstructed transit herself in its most sacred use, that of preserving territorial integrity. In a time of unsettled conditions (Novem-

ber 6, 1903), the United States ordered the *de facto* sovereign (Panama) to keep open Isthmian transit. On the latter date Secretary Hay telegraphed our Consul at Panama:

> When you are satisfied that a *de facto* government, republican in form, and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of citizens of the United States and to keep open the Isthmian transit in accordance with the obligations of existing treaties governing the relation of the United States to that territory.

We will now give a summary of the changes (*de convenance*) in the interpretation of the Treaty of 1846, for which the Roosevelt Administration is responsible. In 1857, as already seen, the United States informed New Granada, now Colombia, that it was her duty to keep Isthmian transit unobstructed and because she failed to do so, a disinterested tribunal was constituted to assess damages. This construction of the treaty remained in full force until some time after Roosevelt became President. Thereafter its construction altered as did the exigencies surrounding the title to the Canal Zone.

In 1903, from November 2 to November 6, the United States for the first time held that it was its

duty to keep the line of transit open and so forbade Colombia to land soldiers anywhere on the Isthmus to protect her sovereignty over the Province of Panama. Again in 1903, from November 6 and after, as just seen, the United States required Panama to keep the line of transit open. And yet there is no more honorable chapter in American history than this perfidious somersaulting in the construction of the Treaty of 1846!

If the obligation to keep Isthmian transit open was imposed on the new-born Government of Panama because of its having succeeded to the rights and duties of Colombia under the Treaty of 1846, then in the name of all that is sacred how could our Government honestly deny to Colombia the right and duty, under the same treaty, to comply with the same obligation? How could she deny to the *de jure* and the *de facto* sovereign on November 2, 1903, when peace prevailed on the Isthmus, what she imposed on the *de facto* Government (not sovereign) on November 6, 1903? *"Consistency, thou art a jewel!"*

The Treaty of 1857 between the United States and New Granada throws an interesting sidelight on the construction placed on the Treaty of 1846,

when title to the Canal Zone was not a disturbing factor. Transit across the Isthmus was obstructed in 1856. This treaty was negotiated for the purpose of enabling citizens of the United States to collect damages from New Granada by reason of this obstruction. The damages were demanded by the United States because it held that it was the duty of New Granada and not that of the United States to keep transit open. New Granada admitted that this was the correct construction of the Treaty of 1846. Article I of the Treaty of 1857 reads:

> All claims on the part of . . . citizens of the United States upon the Government of New Granada . . . and especially those for damages which were caused by the riot at Panama on the 15th of April, 1856, for which the said Government of New Granada acknowledges its liability *arising out of its privileges and obligation to preserve peace and order along the transit route.*

It thus clearly appears from this treaty that it was held to be the duty of the sovereign to preserve peace and order along the line of transit; and because in this instance the sovereign was unable to preserve it as it had guaranteed to do, United States citizens claimed and collected damages. Could there have been a more solemn recognition by one country of the duty of another to keep open the latter's own line of transit?

Section 5 of Article XXXV of the Treaty of 1846 is so important that we quote it again. It reads:

> If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other in complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

It required the aggrieved party to notify the other party of its grievance before using force. On November 2, 1903, when the Roosevelt Administration entered upon the dismemberment of Colombia, the United States had not notified Colombia of any fault or delinquency on her part in observing her treaty obligations. This omission in itself would have been a violation of this solemn compact, even though there had existed a *bona fide* grievance. But, as already stated, none worthy of mention existed. Our intervention in the secession of the Province of Panama rests on some other ground than grievance under the Treaty of 1846.

The *de jure* and *de facto* sovereign of the Isth-

intervention in the affairs of New Granada, reëstablished as the United States of Colombia in 1863. By the terms of the treaty, and by the principles of international law, Colombia, as the successor of New Granada, was the sovereign peer of the United States, which, save for the purpose of protecting free transit, might no more land forces on Colombian soil, or even threaten such landing, than she might land such forces on the shores of France or England. After a careful examination of the subject a competent expert has said that, during the 40 years that intervened between the establishment of Colombia in 1863 and the Panama imbroglio of 1903, United States forces were employed in only seven instances and for a total period of 164 days, and in each instance with Colombia's approval. In no case was there fighting, the mere precautionary measures being sufficient.

In continuation of the foregoing we may appropriately observe that Colombia's inherent sovereignty, whether guaranteed or not, would have given her a right paramount to the right of even her ally, the United States. In fine, in the emergency of self-preservation, the control of Isthmian transit was completely Colombia's. In that case, the President of the United States was authorized to do no more than see to it that Colombia's interruption of transit was neither wantonly imposed nor unreasonably prolonged. Only on proof of such wantonness or unreasonableness would there be just cause for offense. To hold otherwise would be to hold that, in our own Civil

War, foreign nations might have justly complained because our blockade of an insurgent coast rendered nugatory, for the time being, their long-standing right to navigate our ports and rivers.

The neutrality of the Isthmus guaranteed to New Granada by the Treaty of 1846 referred to foreign nations, as already stated. It was against interference by an outside government, interference which might, among other evil results, interrupt the transit from the one to the other sea. Similarly the guarantee of New Granada's rights of sovereignty and property was with reference to an invasion by a foreign power, which might imperil the Isthmian transit. Since the paramount issue in the case of both the neutrality and sovereignty which the United States guaranteed was the safeguarding of the transit, there was a valid implication that the United States, on due occasion, would give aid to prevent interruption of transit from any source whatever, whether foreign or domestic. This had been the unbroken policy of the United States until Roosevelt became President, when the precedent was scrapped.

Worst of all is the fact that there was no revolution planned or projected on the Isthmus at the time. There was a movement to effect the seces-

sion of the Province of Panama provided the United States would agree to protect it. Without this assurance it was not to be attempted. It is thus clear that there was no need whatsoever of American marines on the Isthmus at that time. *They were the revolution by the grace of our then President.*

For the orders sent in the telegrams of November 2, 1903, and in those sent immediately thereafter, designed to prevent Colombia from landing troops within fifty miles of Panama on the west coast of the Isthmus, from landing troops anywhere on the east coast, and from moving the new contingent of troops already at Colon across the Isthmus, American history offers no counterpart and international law no sanction. There is nothing in American history resembling the *opera bouffe* revolution on the Isthmus in November, 1903, and it is to be doubted if there is anything in modern history resembling it. It was a *make-believe* revolution for the purpose of giving the appearance of respectability to the method employed to secure the Canal Zone. The United States prevented Colombia from doing what she was obligated to do under the Treaty of 1846 and what it had insisted on her doing theretofore. Moorfield Story well says:

New Granada agreed to protect travelers across the Isthmus against interference, and to pay damages in case she failed. It was clearly her duty, and therefore her right, to use all force necessary for the purpose. In consideration of this, the United States agreed to help New Granada and not to act against her. It is impossible to torture language so as to find in the treaty any right on our part to prevent her keeping order and protecting travel on her own territory.

The rule laid down for the construction of treaties is that unless the treaty is so clearly drawn that no other conclusion is warranted it shall not be held that any government intended to surrender any control, or cede to another power any right of sovereignty within its jurisdiction. In this connection, the following excerpt from a speech of the late Senator Carmack is apropos:

We have protected the transit again and again, but never before was the claim made that we had a right to exclude Colombia from her own dominions. Never before was the claim made that we had the right under the Treaty of 1846 to support an insurrection against the authority of Colombia. You do not have to read the Treaty of 1846 to know that it contains no such preposterous provision. No nation on earth ever surrendered the right to protect its own soil and the integrity of its own domain with its own troops or surrendered to another government the right to prevent or to suppress an insurrection against its authority. No such thing can be found in the Treaty of 1846.

The language of the treaty speaks for itself.

On its very face it imports an engagement by the sovereign to protect the freedom of transit. It has been so construed by Presidents Polk and Cleveland; also, by Secretaries Seward, Fish, Bayard and Hay (1902). It has been twice construed by treaties—the Treaty of 1857 and the treaty which grew out of it because of unfinished work. The telegrams of November 2, 1903, and those of like import later reduced the Treaty of 1846 to *a scrap of paper* as ruthlessly as did the conduct of Germany reduce the Treaty of 1839.

It is clear that the right and duty of the United States were supplementary to those of the sovereign and did not supersede them. Our country's duty commenced only after the sovereign had failed to maintain transit uninterrupted. Then we could act only in coöperation with and at the request of the sovereign. It is clear that in the Treaty of 1846 the sovereign did not abate any of her rights and duties or subordinate any of them to those of the United States.

The only thing that there was wrong on the Isthmus at the time was the presence of our marines and their exercising military control over it for the purpose of excluding the representatives of the sovereign. That was nothing more and

nothing less than the conquest of the Isthmus in violation of the Treaty of 1846.

And yet we are told by the self-appointed apostle of righteousness:

> We did harm to no one, save as harm is done to a bandit by a policeman who deprives him of his chance for blackmail.

What will be the verdict of history? It is our mature judgment that the following from the pen of an author unknown to the writer accurately forecasts it:

> The policeman himself under the guise of friendship, he smote the innocent and plundered the defenseless!
>
> . . .

What do other nations say of our rape of Colombia? The London *Graphic* stated at the time:

> We regret exceedingly that President Roosevelt has allowed the fair name of his Administration to be smirched by a transaction so utterly at variance with the most elementary principles of public law and international morality. We cannot conceive a more lamentable outrage on the public conscience of the civilized world.

General von Bernhardi defends the rape of Belgium by pointing to our seizure of the Canal Zone by the display of overwhelming force. He is quoted by the New York *World* as saying:

> Your seizure of Panama was only justifiable on the ground that the future interests of the American people

are higher and greater than the abstract principles of international law.

In its editorial on the above, this metropolitan journal appropriately observes:

Mr. Roosevelt did seize Panama, and by so doing we reduced our treaty with Colombia to a scrap of paper, but there has not been a day since that time when millions of Americans were not in protest, and there is pending at Washington a treaty calculated to right the wrong. . . .

With General von Bernhardi throwing our wanton aggression at the Isthmus in our faces, how many more sessions of the United States Senate must there be before that body will make the honorable amends that a great power owes to a weak and injured neighbor?

Baron von Hengelmüller, Austrian Ambassador to the United States in 1903, defends the rape of Belgium by pointing to the seizure of the Canal Zone by the United States. The New York *World* deals with it in an editorial as follows:

Nothing that has developed in the European war has stirred Colonel Roosevelt to such indignation as the violation by Germany of the neutral territory of Belgium. He has written and spoken frequently on this subject, always blaming the Administration at Washington for not instantly entering a protest, and sometimes even suggesting that the remonstrance should have been accompanied by shot and shell.

Let us grieve, therefore, that Baron von Hengelmüller, once Austrian Ambassador to the United States, now publishing the recollections of his American experience,

finds in all the annals of nations no such glorious justification of what Germany has done to Belgium as is to be had in the brief and simple record of what President Roosevelt did to Panama in 1903. He "took" it because he wanted it, and there was no nonsense about treaties or anything else. "The good of the state meant more to him than the letter of the law."

. . . The hair shirt thus presented to Colonel Roosevelt seems to us to be a snug fit, and we trust that he is having "a bully time" wearing it.

South American opinion, which we give in another chapter, is even more pronounced than the foregoing from the old world. Colombia rightly feels toward the United States as Belgium feels toward Germany.

Any violation of a treaty is a blot upon the character of the nation that is guilty. Its extent thereof is measured by the importance of the event. It always lowers a nation's plighted word. Ours is below par in Spanish-America because of this incident and will remain at a discount until we disown the act and recompense Colombia for loss of vested interests.

It is with nations as with men. Let a man go back on his word, and henceforth all men will sidestep when he makes overtures. We can only restore our promises to par by making reparation for past dereliction and by jealously keeping our

solemn engagements in the future. There are some prices which nations as well as individuals cannot afford to pay for success—our violation of the Treaty of 1846 is one of them.

James Bryce, who, among foreigners, stands foremost in the affection and esteem of the American people, wrote to President Thwing:

> The awful calamity of a world-wide war, in which more than half of the human race are involved, compels us to study more earnestly than ever before the means by which war may be averted. Chief among these means are two. One is the maintenance of the faith of treaties as the guarantee of safety to small nations.
>
> . . .
>
> The other means is the setting up of arbitration as the proper method for settling international disputes. Your nation has led the world in this worthy cause; and both America and England have by their resort to this method set many examples and given many proofs of their belief in its value.

Let there be a revival in the keeping of the plighted word, in the observing of solemn engagements. America should lead the way by making reparation to Colombia for the violation of the Treaty of 1846 and for wresting from her her choicest province by the use of force.

American honor cannot be fully restored until such reparation is made to Colombia as an impartial tribunal would impose. Until reparation sat-

isfactory to Colombia is made we may invoke the solace of the poet who taught us:

Yea, and though we sinned and our rulers went from
righteousness;
Deep in all dishonor though we stained our garment's
hem;
Oh, be ye not dismayed,
Though we stumbled and we strayed;
We were led by evil counselors—the Lord shall deal
with them.

The excerpts from the treaty itself, the construction placed on this treaty by *all* Administrations called upon to construe it, from Polk to Roosevelt, and the story of the *opera bouffe* revolution on the Isthmus as told in the previous chapter, conclusively show that the Treaty of 1846 and international law were ruthlessly violated in the fall of 1903 when our Administration *"took"* the Canal Zone so that construction of the canal might go on simultaneously with the debate in the Congress.

Treaties are the contracts of nations. Increase in the number of points of contact due to advancing civilization increases dependence of one nation on another. This increase in solidarity is embodied in treaties not enforcible by a sovereign. Maintenance of these treaties depends on the states which enter into them keeping the

plighted word. Collective well-being is advanced by keeping these solemn engagements and is retarded by their violation. We know that domestic well-being is enhanced by the maintenance of private contracts. Treaties are as important in international relations as contracts are in domestic. Therefore, they should be maintained inviolate. The United States should make reparation to Colombia for violation of the Treaty of 1846.

We have shown conclusively that our Administration in 1903 deliberately and willfully violated the Treaty of 1846 and the law of nations when it *"took"* the Canal Zone. In the next chapter we will show in detail that the Canal Zone was taken by force—*stolen.* The payment of $10,000,000 to the partner in crime and an annuity of $250,000 in perpetuity to the said partner does not clear the title of its stain.

Chapter VI

President Roosevelt "Took" the Canal Zone

The data of Chapter IV, which show that there was no real revolution on the Isthmus in the fall of 1903, also show that the Roosevelt Administration *"took"* the Canal Zone by force. The present chapter must, therefore, be viewed as merely supplementary to the earlier chapter. It views the event from a different standpoint.

In this chapter we undertake to point out in additional detail that Roosevelt "took" the Canal Zone by force. "Force" carries with it the idea of war. Did Roosevelt wage war against Colombia in the fall of 1903? If his own conception as to what constitutes war is correct, he did wage war against Colombia. His idea as to what constitutes war is found in an article published in the New York *Times* in the fall of 1914. The portion which is apropos reads:

An astonishing proof of the readiness of many persons to pay heed exclusively to words and not at all to deeds is supplied by the statement of the defenders of this Ad-

ministration that President Wilson has "kept us out of war with Mexico" and has "avoided interference in Mexico." These are the words.

The deeds have been: first, an unbroken course of more or less furtive meddling in the internal affairs of Mexico carried to a pitch which imposes on this nation a grave responsibility for the wrongdoing of the victorious factions; and, second, the plunging of this country into what was really a futile and inglorious little war with Mexico, a war entered into with no adequate object, and abandoned without the achievement of any object whatever, adequate or inadequate.

To say that we did not go to war with Mexico is a mere play upon words. A quarter of the wars of history have been entered into and carried through without any preliminary declaration of war and often without any declaration of war at all.

The seizure of the leading seaport city of another country, the engagement and defeat of the troops of that country, and the retention of the territory thus occupied for a number of months, constitute war; and denial that it is war can only serve to amuse the type of intellect which would assert that Germany has not been at war with Belgium because Germany never declared war on Belgium. President Wilson's war only resulted in the sacrifice of a score of American lives and a hundred or two of the lives of Mexicans; it was entirely purposeless, has served no good object, has achieved nothing, and has been abandoned by President Wilson without obtaining the object because of which it was nominally entered into; it can therefore rightly be stigmatized as a peculiarly unwise, ignoble and inefficient war; but it is war nevertheless.

The writer is not in sympathy with the contents of this quotation. It is given merely to justify the statement that the Canal Zone was taken by

force. The foregoing excerpt from the pen of Roosevelt warrants the conclusion that in ordering five men-of-war to Colon and four to Panama in the fall of 1903 to protect the secession of the Province of Panama he made war on Colombia. He has told us that it was done for the purpose of protecting transit by rail between Colon and Panama. But, as already indicated, he here merely uses words. There were no Isthmians under arms or prepared to bear arms. There was no interruption of transit impending excepting on the part of our marines.

Senator Newlands introduced a resolution in the Senate at the time which states the views of the writer. The portions of the resolution which are apropos read:

1. The instructions of the United States to its naval forces not to permit the landing af the Colombian troops on the Isthmus, and the intervention of the armed forces of the United States to prevent such landing and the use of the Panama Railroad, and the display of power and force which overawed Colombia and prevented her from defending her sovereignty over the Isthmus, and thus secured the secession of Panama and the dismemberment of Colombia and the creation of a new sovereignty in Colombia's territory, sustained and supported only by the armed forces of the United States, constituted a declaration and prosecution of a successful war upon the part of the United States against Colombia.

2. That such action constituted a breach of the Treaty

of 1846 in this, that it denied Colombia's sovereignty over the Isthmus of Panama, expressly acknowledged by the Treaty of 1846.

3. That it also violated the provision of the Treaty of 1846, which declared that neither of the two contracting parties should ordain or authorize any act of reprisal nor declare war against the other on complaint of injuries or damages until the party considering itself offended should have laid before the other a statement of such injuries or damages verified by competent proofs, demanding justice and satisfaction, and the same should have been denied in violation of the laws and of international right.

. . .

5. That the armed intervention of the United States, as aforesaid, was making war against Colombia upon the part of the President of the United States without the sanction of the Congress of the United States, and was in violation of the provisions of the Constitution which gives to Congress alone the power to declare war.

The section of the Constitution referred to by the Senator reads:

Congress shall have power: To declare war . . . and make rules concerning captures on land and water.

It will be recalled that we stated in Chapter IV that on November 2, 1903, there were no Isthmians under arms. A new contingent of Colombian soldiers was about to arrive in order to assist in repelling a mythical invasion to oppose which General Huertas had dispatched the loyal Colombian troops on the Isthmus. The prospective arrival of additional troops created consterna-

tion among the separatists. They wired Bunau-Varilla in New York for help. He hastened to Washington. Our Administration sent the help immediately.

Our statement that there was no uprising contemplated on the Isthmus is contradicted by an official document. It is claimed certain army officers reported to Lieutenant-General Young what they saw as tourists on the Isthmus. The report is dated October 16, 1903. We are moved to ask if it is mere coincidence that this is the same date on which Bunau-Varilla gave Dr. Amador the assurance that the United States would protect secession within forty-eight hours after the Declaration of Independence? We will give the report of these officers as summarized by Roosevelt in his message to Congress dated January 4, 1904:

> That while on the Isthmus they became satisfied beyond question that, owing largely to the dissatisfaction because of the failure of Colombia to ratify the Hay-Herran treaty, a revolutionary party was in course of organization having for its object the separation of the State of Panama from Colombia, the leader being Dr. Richard Arango, a former governor of Panama; that when they were on the Isthmus arms and ammunition were being smuggled into the city of Colon in piano boxes, merchandise crates, etc., the small arms received being principally the Gras French rifle, the Remington, and the Mauser; that nearly every citizen in Panama had some sort of rifle or gun in his possession, with am-

munition therefor; that in the city of Panama there had been organized a fire brigade which was really intended for a revolutionary military organization; that there were representatives of the revolutionary organization at all important points on the Isthmus; that in Panama, Colon, and the other principal places of the Isthmus police forces had been organized which were in reality revolutionary forces; that the people on the Isthmus seemed to be unanimous in their sentiment against the Bogotá Government, and their disgust over the failure of that Government to ratify the treaty providing for the construction of the canal, and that a revolution might be expected immediately upon the adjournment of the Colombian Congress without ratification of the treaty.

This report is intended to prove that the Isthmus was "seething with revolution." Does it prove it? Or, is the report an invention? Let us see! A report reaches the Isthmus that some two hundred Colombian soldiers will arrive about November 3. It had been planned to declare independence the following day. Do they prepare to deal with the unwelcome troops on arrival? No! The request goes to Washington for help. Help arrives on November 2. The telegram calling for help is of record. It shows that there was not sufficient preparation on the Isthmus to deal with the expected two hundred fresh Colombian troops. Does this confirm the report of the officers just quoted? "Seething with revolution,"

yet shrieking for help to deal with a few fresh Colombian soldiers!

The scheme required that the impression prevail throughout the United States that the Isthmus was "seething with revolution." A so-called report of the two army officers is placed on file for the purpose of showing it. Later events show that these officers could not possibly have seen on the Isthmus what they stated in the report. This at once arouses suspicion as to the source of the report and the purpose of it. It was clearly designed for the purpose of justifying the disposition of the fleet. Numerous men-of-war were in striking distance of the Isthmus. Why this disposition of the fleet? To prevent Colombia from interfering with the secession movement.

It is stated in Roosevelt's message of January 4, 1904, that these army officers were on the Isthmus as tourists. The files of the war department show that they were on the Isthmus for the purpose of taking a military inventory for the use of our army should the taking of the Canal Zone lead to war. As the occasion for their being on the Isthmus is not correctly stated in the message in question, one is warranted in scrutinizing the foregoing excerpt from it.

If the excerpt correctly stated Isthmian preparations, why did not a motley array of insurgents rush to the assistance of alleged imperilled Americans at Colon on November 4, 1903? Why did not the revolutionary police force of Colon come forward? Was it only a paper organization? Why was not the trained and equipped fire department (441 revolutionists in disguise!) of Panama rushed to Colon to fight for freedom's cause? Why did not insurgents pour in from the country around as in the days of Bunker Hill? None of these things happened. It was not on the tapis that they should happen. It was, however, the day on which the Isthmus became free from Bogotá rule. It was the day on which they are alleged to have declared themselves independent. Yet no one rushed forward to protect the American men, women and children when threatened with being killed as described by Roosevelt, though they were innocent of any intent to wrong Colombia. Not one rushed to the side of the forty-two gallant American marines.

The American marines were on hand for the purpose of protecting secession. The entire revolution as planned and executed was on our gunboats. Had not the White House "seethed with revolution," the ripple on the Isthmus, created by

a handful of financial and political adventurers, would have sunk into a state of innocuous desuetude without even the sword being drawn in freedom's cause. The report, summarized in the excerpt, appears to be a *frame-up*. It does not ring true. It was conceived by amateurs. It is predicated on a degree of intelligence on the Isthmus that does not obtain anywhere in the world in a rural community or any other community. It is another striking evidence that history cannot be manufactured. It can only be recorded.

As already indicated, three provinces did not succeed in the three years' revolution of 1899–1902. Now we are asked to believe that one of them planned a serious uprising less than twelve months thereafter. It carries with it its own refutation.

Who paid for the munitions of war that were smuggled into Colon, according to the excerpt, for distribution on the Isthmus? Read Bunau-Varilla's account. There were none worthy of mention received or distributed. We have already shown that no such preparations for an uprising on the Isthmus were made or could have been made.

We have direct knowledge as to the extent and

character of Isthmian preparedness. It is found in part in the following excerpts from the testimony of Mr. Hall before the Committee of Foreign Affairs of the House of Representatives:

> In the cable codes you will find a provision for the sending of 50 revolvers of small caliber which the members of the fire department were to use in their early morning arrests of any citizens loyal to Colombia. . . .
> The secret cable code between Amador and Bunau-Varilla and Joshua Lindo . . . tends strongly to corroborate the testimony of various Panamans that, so far as they knew, no arms, except 50 revolvers, were bought by Amador or his agent, Bunau-Varilla.

It is to be noted that the Colombian garrison at Panama under General Huertas transferred its allegiance in a body to the new government, those loyal to Colombia having been dispatched to repel a mythical invasion from the north. This carried with it the transfer of the military supplies in the barracks. Rear Admiral Glass speaks of the preparedness of this garrison and of Isthmian preparedness in his report, dated November 16, 1903, as follows:

> They are well armed with the Gras 45-caliber rifle, and are believed to have plenty of ammunition. As to the number of troops the Government of Panama could place in the field in the event of hostilities, the information received varies greatly, but it is probable that while between 2,000 and 3,000 men are available, only 600 could at present be furnished with good arms. In this connec-

tion, however, it is understood that a plentiful supply of arms and ammunition has been purchased and is expected to arrive shortly.

The information contained in the excerpts from official reports already mentioned corroborates and is corroborated by the following:

The witnesses called to testify in Panama swore that no money was supplied before the revolution, and that the arms on which they depended in the event of being compelled to fight for their independence were none other than those in the barracks belonging to the Colombian Government, and that none were imported.

It is only necessary to quote in addition to the foregoing excerpts from official reports, a paragraph from an able article by Henry C. Granger which appeared in the *Independent* on August 17, 1911, in order to dispose of the rubbish contained in the report of the officers. It reads:

In view of the official telegrams quoted, it is not necessary to say either when, or in presence of whom, or what United States naval officer at the Isthmus during the "secession" told me that "the Panamanians were a set of sheep; our boys had to do it all."

The condition of affairs reported to have existed on the Isthmus as of October 16, 1903, by the army officers as described in the quotation from Roosevelt are also contradicted by later events. When words and later events conflict it

is the words and not the events which suffer. The cautious investigator goes back of this report, and ascertains from other sources its truth or falsity. It has earmarks which show that it was invented. The desire for such a report must have been the inspiration and the guide of its authors.

The report was necessary for home consumption. It has been given such extensive publicity that it has created a domestic atmosphere at variance with truth. As has been shown, from the Isthmus came divers creditable newspaper and other reports which are of different import. *The utterances of the inner circle of separatists* (and they knew the facts) *are also of a different tenor.* The report is not only not corroborated but is buried under an avalanche of adverse observations. The adverse observations *match* with established facts while the report does not.

The writer rejects the report of the army officers quoted by Roosevelt. When it is compared with the creditable newspaper reports already quoted in this volume and other reliable data, it looks like a crude invention. Roosevelt uses it to defend his Isthmian policy in his article entitled, "The Panama Blackmail Treaty," from which we take the following:

After my interview with the army officers named, on

October 16 I directed the Navy Department to issue instructions to send ships to the Isthmus so as to protect American interests and the lives of American citizens if a revolutionary outbreak should occur. Most fortunately the United States steamer *Nashville,* under Commander Hubbard, in consequence of these orders, reached the Isthmus just in time to prevent a bloody massacre of American men, women and children. Troops from Bogotá had already been landed in Colon on November 3, when the revolution broke out on the same day. On November 4, as Commander Hubbard officially reported, his marines were landed, in view of the fact that the American Consul had been notified by the officer commanding the Colombian troops that he intended to open fire on the town of Colon at 2 P. M. and kill every United States citizen in the place. Accordingly various men, women and children took refuge first in the shed of the Panama Railway Company, and then on a German steamer and a Panama Railway steamer which were at the dock. Commander Hubbard showed himself loyal to the best traditions of the American Navy. He brought the *Nashville* close up to the waterfront, landed some of his men to garrison the shed of the Panama Railway Company, and although the Colombians outnumbered him ten to one, succeeded in protecting the lives of the American citizens who were menaced. Thanks to the firmness of himself and his men, he so impressed the Colombian commander that next day the latter reëmbarked and withdrew with his troops to Colombia. So far from there having been too much foresight about the treaty on the part of the American Government, this plain official account by a naval officer of what occurred on November 4 showed that the American Government had, if anything, delayed too long its orders for the movement of American warships to Panama, and that it was only the coolness and gallantry of forty-two marines and sailors in the face of ten times their number of armed foes that prevented the carrying

out of the atrocious threat of the Colombian commander. In accordance with our settled principles of conduct we refused to allow the transportation of troops across the Isthmus by either the Colombians or the Panamanians, so as to prevent bloodshed and interference with traffic.

There are ill-defined rumors of things that Dewey threatened to do in Manila Bay under less trying circumstances and under less provocation than those to which Colonel Torres of the Colombian expeditionary force was subjected on the occasion described in the quotation just given. Colonel Torres was bluntly informed that the Province of Panama had seceded from Colombia, and that the United States had guaranteed to protect secession. He was urged to reëmbark his troops, on the ground that he was confronting overwhelming force. If he did actually threaten Americans in Colon, it was under the greatest of provocations. He was requested to submit to, and acquiesce in, Colombia's dismemberment.

The information of the threat on the part of Colonel Torres was conveyed to the American consul at Colon by the provisional governor of the province in which Colon is located and was not sent, or intended to be sent, to the consul by the officer commanding the Colombian troops, as Roosevelt asserts in the foregoing quotation.

Teague, a newspaper man, wrote about it at the time:

> It was at this juncture that Governor Melendez executed a little *coup* of his own to which American intervention is directly traceable. Melendez invited Colonel Torres, the Colombian commander, to meet him in conference at the Hotel Washington. . . .
>
> Employing all his persuasive abilities, Melendez urged Colonel Torres to reëmbark his troops and sail away, leaving the Isthmus to pursue its own course. This line of argument only increased Torres' bitterness. He became more defiant, even bombastic, and at 12:30 made a vehement threat that if Generals Tovar and Amaya were not given their liberty by 2 o'clock he would turn his battalion loose and slaughter every American in Colon.

The threat against Americans domiciled in Colon was only a conditional bluff, and warranted under the circumstances. Roosevelt does not correctly state the situation. He seemingly forgets, in season or out of season, that half-truths are more misleading than falsehoods. Colonel Torres only demanded the release of the Colombians unlawfully imprisoned at Panama by the local authorities with the moral support of the American Government. What more natural than that he should have moved heaven and earth to free his colleagues? Who would not have resorted to a bluff—even such a one as Colonel Torres is charged with? It was an honorable bluff. No

harm was done. The harm that is done consists in the deception of the American people. Scott, in his book entitled "The Americans in Panama" has properly said:

> The Colombian troops on November 4th might have wiped out the American defense in Colon, swept over to Panama and crushed the Junta and street mob there, and so have summarily preserved sovereignty over the territory. And had it done all this, it would have been squarely within its rights as a sovereign nation. But they knew that such a triumph would be transient. They realized it would bring down upon Colombia the whole devastating force of the mighty United States which the Spanish-American War so recently had shown was something truly to be feared. Hence, their withdrawal was prudent, though humiliating.

As already stated, the presence of the *Nashville* determined the separatists to proceed with secession. Its presence was for the purpose of giving tangible evidence that the United States had promised to protect secession. Therefore, had the *Nashville* not been at Colon, there would have been no provisional government or provisional governor at Colon. Its presence could not have been used as evidence that the United States was back of secession and so there would have been no occasion for the threat made by Colonel Torres. The *Nashville* did not prevent the murder of American men, women, and children, as Roose-

velt alleges, but provoked the discord that occurred on the Isthmus. The *Nashville* prevented nothing—it induced secession. It was intended to do so. It was at Colon for that purpose.

We will now sidestep the consideration of the report of the army officers to present a record of what occurred at conferences after the return of Dr. Amador to the Isthmus on October 27, 1903. This record is taken from the testimony of Henry N. Hall of the New York *World* before the Committee on Foreign Affairs of the House of Representatives. It shows that the so-called revolution was to be on our gunboats and that the Roosevelt Administration had determined to take the Canal Zone by force under the pretext of quelling an Isthmian uprising. The portions of the testimony that are apropos follow:

Amador, accompanied by Prescott, immediately went over to Panama. On the way over Amador told Prescott that everything was settled and that all the arrangements had been completed through Bunau-Varilla, who had promised to have American warships on hand to protect the revolutionists after they had declared their independence. Amador expressed to Prescott his most implicit confidence in the fulfillment of Bunau-Varilla's promise and did not seem to apprehend any doubts or hesitation on the part of his fellow conspirators. It had been decided that on Amador's arrival in Panama the revolutionary committee should meet the same evening

nothing to show them in writing from either Mr. Roosevelt or Mr. Hay.

This quoted testimony further shows that our forces were to be the revolution. Our compensation was to be an untrammeled title to the Canal Zone. Yet we are told that the Isthmians longed to fight for freedom. Note the following from a message of Roosevelt, quoting a native:

> We looked upon the building of the canal as a matter of life or death to us. We wanted that because it meant, with the United States in control of it, peace and prosperity for us. President Marroquin appointed an Isthmian to be governor of Panama; and we looked upon that as of happy augury. Soon we heard that the canal treaty was not likely to be approved at Bogotá; next we heard that our Isthmian governor, Obaldía, who had scarcely assumed power, was to be superseded by a soldier from Bogotá. . . .
>
> Notwithstanding all that Colombia has drained us of in the way of revenues, she did not bridge for us a single river, nor make a single roadway, nor erect a single college where our children could be educated, nor do anything at all to advance our industries. . . . Well, when the new generals came we seized them, arrested them, and the town of Panama was in joy. Not a protest was made, except the shots fired from the Colombian gunboat *Bogotá,* which killed one Chinese lying in his bed. We were willing to encounter the Colombian troops at Colon and fight it out; but the commander of the United States cruiser *Nashville* forbade Superintendent Shaler to allow the railroad to transport troops for either party. That is our story.

So an Isthmian tells us: "We were willing to

encounter the Colombian troops at Colon and fight it out." Is this bemoaning of a cruel fate sincere? Transportation of Colombian soldiers was prevented by the Commander of the *Nashville!* They could have met the Colombian troops at Colon if they had refrained from sending for help. This help was asked for on October 29, 1903, and dispatched to Colon on October 30. At the time help was asked, there was no *Nashville* at Colon to prevent the transit of troops from Panama to Colon. It arrived on November 2, 1903, and was asked for in order to do just what it did. The Isthmians were not prevented from fighting it out with the new contingent of Colombian soldiers. They asked for American gunboats to do it. The *Nashville* and eight others were sent there for the purpose. When the cry for help reached Bunau-Varilla on October 29, he hastened to Washington. Forthwith help was speeding to Colon. Prevented from fighting it out with the Colombian troops at Colon! Of course we are not expected to see the staging of the play (vaudeville performance) that was acted far from home—on the Isthmus. It was intended to hoodwink the American people. Light is, however, dawning and we are seeing the episode as it really was.

Roosevelt has taught us in the excerpt at the beginning of this chapter not to be guided by words, but by deeds. Deeds are the real thing. We will now follow his instructions, and apply them to his words and deeds as to how he secured the Canal Zone. Of course he did not mean it just that way. We should look at deeds as he describes them where President Wilson is concerned, and we should accept Roosevelt's words as a correct representation of his deeds in so far as he is concerned. *Unfortunately we have found that his words as to what were his deeds and his deeds do not match, and that his deeds speak for themselves.*

The City of Panama is reported to have had a fire department of 441 men. We do not hear of it in any way except that we are assured that it had a *de facto* existence. We are not told that it was held in readiness to act when Colombia's new contingent of soldiers arrived at Colon. There was ample time for them to have been transported to Colon before the arrival of the *Nashville*. Forty-two American marines were, however, left to face 474 Colombian troops, and that on an Isthmus "seething with revolution!" Does this look like willingness to fight it out with Colombia?

We will let Roosevelt tell us about his instructions to the Navy Department based on the report of the army officers:

> In view of all these facts I directed the Navy Department to issue instructions such as would insure our having ships within easy reach of the Isthmus in the event of need arising. Orders were given on October 19 to the *Boston* to proceed to San Juan del Sur, Nicaragua; to the *Dixie* to prepare to sail from League Island; and to the *Atlanta* to proceed to Guantanamo. On October 30 the *Nashville* was ordered to proceed to Colon. On November 2, when, the Colombian Congress having adjourned, it was evident that the outbreak was imminent, and when it was announced that both sides were making ready forces whose meeting would mean bloodshed and disorder, the Colombian troops having been embarked on vessels, the following instructions were sent to the commanders of the *Boston, Nashville,* and *Dixie:*
>
> Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either government or insurgent, either at Colon, Porto Bello, or other point. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict.

It would have been nearer the truth had the foregoing telegram to the *Nashville* and *Dixie* and a similar one to the *Boston* read: Prevent Colombia from landing troops within 50 miles of Panama on the west coast, and at Colon, Porto-

Bello or any other point on the east coast if their landing will interfere with the establishing of a Republic of Panama in the Province of Panama.

The essence of the paraphrased telegram is contained in the speech delivered by Roosevelt at Berkeley, California, on March 23, 1911:

> I am interested in the Panama Canal because I started it. If I had followed traditional conservative methods I should have submitted a dignified state paper of probably two hundred pages to the Congress, and the debate would have been going on yet. But *I took the Canal Zone* and let Congress debate, and while the debate goes on, the Canal does also.

We have shown that Roosevelt waged war against Colombia in the fall of 1903. The war was to be waged solely by our marines. Therefore, there was no need for military preparation on the Isthmus and events as of that time show that there were none. The so-called Republic of Panama, however, is a fact, and we are possessed of a title to the Canal Zone.

"No Colombian blood must be shed!" By whom? By the American marines. America would not stand for the shedding of Colombian blood to secure the Canal Zone. Therefore, there must be overwhelming force on hand to overawe Colombia, and *nine* American gunboats were in Isthmian waters. This incidental statement by

Dr. Amador tells the story. It is not invented. It fits in with the events that transpired on the Isthmus. It shows that an understanding existed between the Roosevelt Administration and the separatists on the Isthmus. This understanding provided for the wresting of the Province of Panama from Colombia by force. Even the German soldier and writer, Von Bernhardi, now taunts us:

> Your seizure of Panama was only justifiable on the ground that the future interests of the American people are higher and greater than the abstract principles of international law.

What else can this mean than that we secured the Canal Zone by force? Dr. Amador's letter to his son, dated October 18, 1903, about two weeks before the Declaration of Independence, tells the story. The part which is apropos reads:

> I received your telegram that you are not coming, as they have refused you permission. . . .
>
> The reason for your coming was for you to meet Bunau-Varilla, to whom I have spoken of you. He said that if all turns out well, you shall have a good place on the medical commission, which is the first that will begin work; that my name is in Hay's office and that certainly nothing will be refused you.
>
> The plan seems to me good. A portion of the Isthmus declares itself independent and that portion the United States will not allow any Colombian forces to attack. An assembly is called and this given authority to a

minister to be appointed by the new Government in order to make a treaty without need of ratification by that assembly. The treaty being approved by both parties, the new Republic remains under the protection of the United States and to it are added the other districts of the Isthmus which do not already form part of the new Republic and these also remain under the protection of the United States.

The movement will be delayed a few days. We want to have here the minister who is going to be named, so that once the movement is made he can be appointed by cable and take up the treaty. In 30 days everything will be concluded.

We have some resources on the movement being made, and already this has been arranged with a bank.

As soon as everything is arranged I will tell B. V. to look out for you.

He says if you do not wish to go he will look out for a position for you in New York. He is a man of great influence. . . .

As already seen, a revolution in three provinces in 1899–1902 did not succeed. But in 1903 a revolution in one of these three provinces was to succeed in thirty days. We are told the reason in this letter. Our Government had agreed to protect secession.

Dr. Amador's talk to the soldiers of Colombia at Panama on November 4, 1904, is further evidence that protection was promised by our Government. The talk which follows was delivered from written notes, and taken down by an eye witness:

Boys, at last we have carried through our splendid work. The world is astounded at our heroism. Yesterday we were but the slaves of Colombia; to-day we are free. Have no fears. Here we have the proof [holding up some sheets of paper on which was the American coat of arms] that our agent in the United States, Señor Bunau-Varilla, gave us. Panama is free. The cup of gold for Bogotá has been drained; therefore the United States are aiding us. Here you have proof of their word. President Roosevelt has made good, for there, you know, are the cruisers which defend us and prevent any action by Colombia. They have worked skillfully in order to avoid shedding Colombian blood, for in no other way could the American Government aid us. Free sons of Panama, I salute you. Long live the Republic of Panama! Long live President Roosevelt! Long live the American Government!

On November 3, 1903, Dr. Amador urged General Huertas to stick to the agreement then existing between him and the separatists. It is claimed that the following is a verbatim report of what Dr. Amador said:

Huertas, what you are to-day you owe to Panama. From Bogotá you can hope for nothing. I am old and tired of life; it is of no importance to me to die. If you will aid us, we shall reach to immortality in the history of the new Republic. Here you will have four American warships. There will be the same number in Colon. [That turned out to be absolutely true.] You and your battalion can accomplish nothing against the superior force of the cruisers, which have their orders. Choose here, glory and riches; in Bogotá, misery and ingratitude.

Immediately thereafter General Huertas sent a

letter to Commander Leoncio Tascon at Panama. The following excerpt from this letter has a bearing on our argument:

> There having broken out to-day a movement for the independence of the Isthmus, which has been carried into effect without the shedding of a single drop of blood, the Government which now holds sway here has been recognized. By necessity, in order to avoid their taking me a prisoner I was obliged to commit to prison some of my superior officers. You must prepare with the men you have with you to come here as soon as you receive this, my order. . . .
>
> You are hereby appointed chief of the battalion. I repeat that you are to accept no orders except from me or those sent to you by Dr. Manuel Amador Guerrero.
>
> In Colon there are two American warships which have disembarked forces, and to-morrow morning two more are to arrive here. Thus this movement is supported to overflowing by the Americans. Any effort would have been a useless sacrifice. Therefore we have decided, after careful consideration, to recognize the Government of the Isthmus.

General Huertas' statement to his soldiers the following morning shows that he firmly believed that our Government had agreed to protect secession. This statement was preliminary to giving fifty dollars to each soldier. His speech, as reported, contained the following:

> We are free! The cruisers which are here remove all our fears. Colombia may battle with the weak, but she holds her peace in the presence of the United States.

It is now evident that secession was undertaken because the separatists had been assured protection by our Government. To conceal it, publicity was given to an impending revolution. Excerpts from inspired newspaper articles could be used to explain the presence of American warships within striking distance of Isthmian waters. It was staging, and many were deceived by it, including the writer. Yet it is now clear that our men-of-war would not have been in Isthmian waters in such force if it had not been agreed that we would take the Canal Zone by force. Our Government had decided to close the canal negotiations—

> Upon the simple plan,
> That they should take who have the power,
> And they should keep who can.

It must not be forgotten that the separatists were guilty of treason from the viewpoint of the sovereign. Under what conditions do men embark on such a grave venture? Adequate local preparation, or assurance of protection from a power strong enough to furnish it. There was no local preparation. No evidence of any appeared in the strenuous days of November 3–6, 1903, on which later date the independence of Panama was recognized. This recognition by the

United States was construed to assure the separatists the protection of the Treaty of 1846. All newspaper reports of the time show that the Isthmians relied on protection from the United States and not on self-protection. Complete absence of local military activity between October 29 and November 6 conclusively shows that the separatists had assurance of protection from the United States. It also shows that our Administration *"took"* the Canal Zone at the point of the bayonet. *It is stolen.*

Maladministration of Panama by Colombia is given by Roosevelt as an excuse for intervention. If it did exist, then there is an ineffaceable stain on his Administration for having interfered with the revolution on the Isthmus twelve months earlier. Unrest is not always the sign of maladministration in Spanish-America. If it is, then Panama is now badly governed, and our intervention did not result in good government. We read in Scott's "The Americans in Panama":

On three occasions already the Americans have prevented the disruption of the Republic. In 1904, Gen. Huertas, who had assisted the Junta, became dissatisfied with his rewards, and started to overturn the administration by force. The American marines had to disarm his small army. In 1908 the United States had to interfere to insure a fair election, and in 1912 this writer saw

the presidential campaign reach a point where the American marines and infantry had to be placed at the Panama polls to prevent rioting and fraud. It was obvious that if the United States had not been present in armed force, the usual Central American method of changing Administrations by a revolution would have been employed.

Colombia has had stability of administration since the secession of the Province of Panama. Since 1904, the American marines have thrice intervened to prevent the forcible overthrow of those in lawful authority in the Republic of Panama. It is thus clear that the earlier Isthmian disturbances were not due to maladministration on the part of Colombia, but to the ambitions of local political and financial adventurers. Therefore, the indictment hurled at Colombia by Roosevelt should have been hurled instead at the Isthmians. For him to continue reviling Colombia after the crushing disproof of his indictment based on maladministration blends his acts with those we associate with moral cowardice.

As already stated, unrest in Spanish-America is not always a sign of maladministration, but may be the outward expression of rival ambitions for control. It may even have been inspired by a corporation seeking privilege, and have been financed by it. When Roosevelt alleges malad-

ministration by Colombia, he gives no bill of particulars.

The United States terminated the revolution in Colombia in 1902 and reëstablished Colombian sovereignty on the Isthmus. We were to guarantee its sovereignty of the Isthmus in perpetuity in the Hay-Herran treaty. Therefore, the secession of Panama in 1903 and our recognition of its independence two days later cannot have been due to maladministration. The reason for our action was other than misgovernment of Panama by Colombia. It was the refusal of Colombia to ratify the Hay-Herran treaty and that alone. It was for the sole purpose of abridging the time that would be required to secure title to the Canal Zone by the slow process of diplomacy.

The proof of this consists in our mediation to end the three-year revolution in 1902. Our Minister to Colombia sent the following communication to our Department of State, September 11, 1902:

> Minister for foreign affairs desires me to inform you that his Government would appreciate your good offices to bring about peace in the country, especially on the Isthmus, where the revolution is strong. . . . Minister for foreign affairs added: "Not only is the question of humanity involved, but so long as the war lasts Congress will not be convened, and therefore the continuance of

war will delay submission of the Canal matter to the Congress."

This message indicated that continuance of the revolution would delay action on the treaty. Further, intervention would put Colombia under obligations to us which she would be expected to pay through a canal concession. Therefore, no time was to be lost. On September 16, 1902, the Department of State informed the Secretary of the Navy that mediation had been agreed upon. The communication reads:

I have received from the President a telegram approving of my suggestion as to intrusting such a mission to the Commander of the *Cincinnati.*

The precedents in which our naval commanders have lent their good offices to bring about peace in Central America during the past years will serve to guide Commander McLean in the execution of such instructions as you may deem proper to give him in this regard.

While Isthmian affairs were in this unsettled condition, the United States representatives prohibited the use of the Panama railroad for the transportation of contraband of war. This was a departure from the traditional American policy. They, however, did not prohibit the sovereign from landing troops on the Isthmus. That step was reserved for 1903. Until 1902, none of the American acts were predicated on a right that

I have the honor and pleasure to offer you my good offices [Governor Salazar had accepted] for a friendly meeting and discussion with Governor Salazar, and would be most pleased to have you meet on board my flagship *Wisconsin,* at anchor off Panama.

The final reply of Herrera is dated November 3, 1902, and reads:

I wish to thank you very much for the interest you manifest in the well-being, the peace, and the tranquillity of Colombia, of which you have given undoubted proofs in your former actions and in the contents of your kind communication of October 28, which I have just received.

In a note dated to-day I express to Gen. Victor M. Salazar my wish to confer on the subject of peace on board the battleship *Wisconsin* in accordance with the kind invitation you have extended to us, and I am in hopes that he will make the necessary arrangements for my transport to Panama Bay.

The revolutionists submitted. America's representatives tendered only their good offices. But both in the background and in the foreground was *"the big stick."* An apparently interminable conflict was quelled in a few days by the tendering of good offices. The venerable Senator Morgan later commented on these events as follows:

On the return of the victorious liberals from Aqua Dulce, fighting occurred on the railroad between Matachin and Colon.

As the trains would pass the battle was suspended. A party of liberals occupied Colon without any disturbance of the people.

eight days before the insurgents submitted to American pressure:

> Judging from conditions now existing and from information I am able to obtain, there seems little prospect of a speedy termination of this strife. Panama and Colon are practically besieged: troops at neither place dare to go beyond their intrenchments.
>
> I firmly believe if our men were removed from shore, the insurgents would be in Panama in forty-eight hours. I think the Government, therefore, is very willing that they should remain, making occasional mild objections, which really it does not mean shall be taken seriously.

If Panama was misgoverned by Colombia, the United States was nevertheless willing to contribute to its continuance for uninterrupted transit on the Isthmus. In condemning Colombia it condemns itself. But we must proceed with the project for mediation which was to prolong maladministration in Panama because we had to hasten greater transit convenience—the Canal! Accordingly Rear-Admiral Casey addressed Herrera, chief of the revolutionary forces, as follows:

> I have the honor to inform you that I have been authorized by my Government to offer my friendly services to the leaders of the contending parties in the Republic of Colombia, with a view to bringing about a friendly meeting between them, and a discussion of their differences, to the end that they mutually agree upon such terms as will put an end to the strife and restore peace and tranquillity in the Republic. . . .

standing seems to be all but established. When the treaty was later rejected by the Colombian Senate, the sting of ingratitude, pictured by Shakespeare in the immortal King Lear, was felt.

If Roosevelt's characterization of misgovernment of Panama by Colombia is true, then his interference with the course of the 1899–1902 revolution when it was at the height of its military activity is a political crime so base that one would have to search the English language to find a term sufficiently descriptive to characterize it. If Roosevelt really believed that Panama was as thoroughly misgoverned by Colombia as he alleges in an excerpt already given, then he committed a political crime in 1902 when he restored Colombia's tottering sovereignty over the three provinces then in formidable revolt. If he did not believe what he asserted, then the dismemberment of Colombia in the following year was a political crime without an extenuating circumstance. The conduct of Roosevelt in the pursuit of the title to the Canal Zone has stained American diplomacy.

Roosevelt is interesting even though inaccurate. In his article entitled, "The Panama Blackmail Treaty," occurs a paragraph which is now apropos:

There were . . . various revolutionary movements on foot in the Isthmus, and it was my understanding that there was considerable jealousy among the instigators of these movements as to which one would come off first and would be effective. On information received after the event, I believed then, and believe now, that the revolutionary movement which actually succeeded was the one with which Mr. Bunau-Varilla was connected. He was sent by the Government of Panama as Minister to this country as soon as Panama became an independent state, and he then made no secret of the fact that he had been one of those who had organized the successful revolution; precisely as was the case with the President and other officials of the new republic. Neither did Mr. Bunau-Varilla make any secret of the fact that in acting as he did he was influenced both by his indignation as a resident of Panama at the Colombian treatment of Panama, and also by his indignation as a Frenchman at the Colombian proposal to blackmail the company, and if it would not submit to blackmail, then to confiscate its possessions. In view of this double attitude of the Colombian Government, an attitude of tyranny toward Panama and of robbery toward the French company, Mr. Bunau-Varilla conceived it to be his duty to do all he could to aid the natives of Panama in throwing off the yoke of Colombia. I believe his attitude was entirely proper, alike from the standpoint of his duty as a resident of Panama, from the standpoint of his duty as a Frenchman to the investors and property holders of the French company, and from the standpoint of his duty as a citizen of the world. But until after the event I had no knowledge of his activities save the knowledge possessed by all intelligent men who had studied the affairs of the Isthmus. I gave him no aid or encouragement.

We will let the late Senator Carmack reply to this eulogy of Bunau-Varilla. Carmack's char-

acterization is based on French court records, and reads:

> Bunau-Varilla, now [February 9, 1904] Minister from the State of Panama, but a citizen of France, was one of the earliest and most active supporters of this conspiracy against the integrity of Colombia. This much we know. This man was connected with the old Panama Canal Company, and the official records of his own country, including the reports of the Minister of Justice, show that he was one of the worst of the crew whose thieving operations bankrupted that concern, brought the gray hairs of De Lesseps in shame and sorrow to the grave, and covered the French Government itself with odium and disgrace.

The views of the writer are in complete accord with those of the quotation as to the real character of Bunau-Varilla. It is as respectable as that of Dr. Jekyll and Mr. Hyde, and there exists no evidence that there was an attempt on the part of our Administration to deal with the doctor while loathing the mister. In an earlier chapter we have shown that his character is rather like that of one of Dickens' characters known as Uriah Heap. Yet this *Ishmaelite* among respectable people is accorded a certificate of character by Roosevelt in order to bolster up his tottering defense of the rape of Colombia.

This good and great Frenchman of exalted moral purpose, according to the last excerpt from

Roosevelt, and of the penitentiary crowd according to French official court records, has told us that he knew that the United States would protect secession within forty-eight hours after the Declaration of Independence by the Province of Panama. And, being good, great and of exalted moral purpose, according to Roosevelt, he must have told the truth! He informed the separatists that the United States would protect secession and they acted on his information—he and they have said so. This assurance enabled the separatists to dispense with preparations for military operations. They were to be on our gunboats. These gunboats were in Isthmian waters in overwhelming force. They overawed Colombia. Roosevelt was accurate when he said: *"I took the Canal Zone."*

We are told, however, that there were a number of revolutionary movements on the Isthmus at the time, and that there was rivalry as to who should lead the revolt of the now famous *seven* with an attenuated and indefinite outer circle of hangers on in a province of some 300,000 people against an armed nation of some 5,000,000. There was, however, only a single movement composed of a few financial and political adventurers with Cromwell as their first intermediary.

Warnings from Colombia caused him to seemingly sever his connection with the movement. Bunau-Varilla was accordingly summoned to succeed Cromwell as intermediary. Colombia had rejected the Hay-Herran treaty when he arrived on the scene. It was the psychological moment —the time for action.

It was, however, the same group of separatists with only a new intermediary. Soon after his arrival Bunau-Varilla assured Dr. Amador that the United States would protect secession and urged him to hasten to Panama and clear the deck for action. This assurance and the presence of the *Nashville* as tangible evidence of good faith set the machinery in motion which created the so-called Republic of Panama for the purpose of transferring to us the Canal Zone.

On November 6, 1903, our Government recognized the independence of its own offspring, the so-called Republic of Panama. This was two days before the news of secession reached Bogotà. The following communication was, on November 6, addressed to our Minister to Colombia, to be by him officially conveyed to the Government of Colombia:

The people of Panama having by an apparently unanimous movement dissolved their political connection with the Republic of Colombia and resumed their independence, and having adopted a government of their own, republican in form, with which the Government of the United States of America has entered into relations, the President of the United States in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the Governments of Colombia and of Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound, not merely by treaty obligations, but by the interests of civilization, to see that the peaceable traffic of the world across the Isthmus of Panama shall not longer be disturbed by a constant succession of unnecessary and wasteful civil wars.

We have already commented on the statement that it was a "unanimous movement." It would have been nearer the truth if the telegram had said that it was a unitary movement outside of the Province of Panama in collusion with a few financial adventurers on the Isthmus. It is almost unbelievable that a Washington Administration would stoop to this level for a mess of pottage —abridgment by a few months, or perhaps by a year, of the beginning of the construction of an Isthmian canal.

Leander T. Chamberlain properly describes the so-called Republic of Panama which was snap-

shotted into existence, and then precipitately recognized by the Roosevelt Administration. It is so apropos that we adopt it as our own:

> A popular uprising, at a single point, of less than one-tenth of the population of the Province of Panama; no revolutionary committee representing the other five districts of the province; no formulated statement of grievances; no congress, no army, no navy, no courts of justice, no financial stability, evidently unable to withstand the forces of the parent country; yet an admission to the great sisterhood of nations! Admitted in less time than measures two revolutions of the earth on its axis! It is ample cause for thankfulness that the annals of civilization are sullied by no sustaining precedent.

The notice quoted above was dispatched to our Minister in Colombia two days before Bogotá learned of the secession of the Province of Panama. It was sent to a nation with whom we had a solemn engagement of amity and friendship in the Treaty of 1846. This solemn engagement provided:

> If unfortunately any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

The notice was sent to a nation whose sovereignty of the Isthmus we had guaranteed in a solemn engagement. By this solemn engagement we were estopped from destroying Colombian sovereignty over the Isthmus. The notice quoted virtually informed Colombia that we had done what the treaty forbade, and that we would defend our act by force. It was sent while a treaty gasped and international law averted her astonished gaze. Yet Roosevelt asks us to believe that:

> The United States has many honorable chapters in its history, but no more honorable chapter than that which tells of the way in which the right to dig the Panama Canal was secured.

Honorable! May we be delivered from any more honorable chapters in our history like this! Such a statement adds hypocrisy to national disgrace. There is no more unsavory chapter in American diplomatic history than the one which tells how we secured the right to dig the Panama Canal.

It automatically reminds one of the exclamation of the venerable Senator Hoar as recorded in the Autobiography of the late Senator Cullom:

I HOPE I MAY NEVER LIVE TO SEE THE DAY WHEN

THE INTERESTS OF MY COUNTRY ARE PLACED ABOVE ITS HONOR.

The *opera bouffe* performance on the Isthmus did not attain the dignity of a made-to-order revolution. It was a sham. There was not a scintilla of respectability to it. Financial buccaneers and political adventurers did essay to create a republic out of the Province of Panama so that they might become the venders of a canal title. Uncle Sam granted them the needed protection in the undertaking. This assured the success of the venture, and, because of this assurance, it was undertaken.

We are clearly warranted in characterizing the foregoing note to Colombia as one of the most untruthful diplomatic documents known to modern history. It is a communication such as Machiavelli and Bismarck were wont to send as occasion arose, but there is not another like it in the files of our Department of State. It is grossly insulting, and stands as a continuing insult to Colombia. It must be disowned in order to restore our national honor.

This note was not sent to Colombia for the purpose of welcoming into the sisterhood of sovereign states a people that had thrown off the yoke of oppression, nor of requesting her to acquiesce

in what had been determined by the sword. It was sent for the purpose of protecting the secession that had been abetted by our Government. It virtually informed Colombia that the United States would maintain by force what had been accomplished by the display of force. Its purpose was intimidation. Its tone was offensive. It was the crowning act of a political crime. It added insult to injury. Our course on the Isthmus belongs to the same class, and is of the same character as the rape of Belgium by Germany. Colombia did not resist, and therefore the loss of life and property are not in evidence—*thanks to Colombia and not to our Administration.*

Notice of the recognition of the independence of the so-called Republic of Panama to be communicated to the latter, was sent to our Consul at Panama. It reads:

The people of Panama have, by an apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence. When you are satisfied that a *de facto* government, republican in form, and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of citizens of the United States and to keep open the isthmian transit in accordance with the obligations of

existing treaties governing the relation of the United States to that territory.

We ask again, was it such a unanimous movement? Let us see! If the whole Isthmus was "seething with revolution," if there was no antecedent understanding with our Government, why were there not enough Isthmians bearing arms on November 4, 1903, to deal with the new contingent of a few hundred Colombian soldiers which arrived on the previous day? Only a few marines of the *Nashville* dealt with them. There was not an Isthmian there to help! There was not an Isthmian prepared to help! Yet it was the day on which they declared their independence. Shortly thereafter more Colombian soldiers would naturally appear. And yet no military preparation whatsoever was in progress. There was none even in contemplation! The Isthmian facts show that an understanding existed with the power that supplied the force to protect secession. These are facts—established facts. They cannot be consigned to the scrap basket by unctuous statements. It is the unctuous statements which are the scrap. The Isthmians were not fools. Dr. Amador has assured us of that. They knew where help was to come from. They could have known only by having been told. Yet

we are asked to believe that the whole Isthmus was "seething with revolution!" As if they arose as one man against the oppressor! But, as a matter of fact, not one Isthmian arose in Colon on the day that independence was declared to assist the American marines under trying circumstances. Does this look like a popular Isthmian uprising? Or, does it look like an event effected by an inner circle in collaboration with our Administration?

We will now offer additional evidence in support of our contention that the Canal Zone was taken by force. This additional evidence is found in the telegrams which were sent to our Government by the committee which constituted the executive board of the new republic. The first was sent *before* independence was declared. It reads:

> We take the liberty of bringing to the knowledge of your Government that on yesterday afternoon, in consequence of a popular and spontaneous movement of the people of this city, the independence of the Isthmus was proclaimed and, the Republic of Panama being instituted, its provisional government organized an [executive] board consisting of ourselves, who are assured of the military strength necessary to carry out our determination.

The second is dated November 6, 1903, and reads:

The board of provisional government of the Republic of Panama has appointed Señor Philippe Bunau-Varilla envoy extraordinary and minister plenipotentiary near your Government with full powers to conduct diplomatic and financial negotiations. Deign to receive and heed him.

No such telegrams or telegrams of a similar nature were sent to our Government at any previous uprising. There was no feeling of the way in these telegrams. The tone of the telegrams is that of foreknowledge as to how they would be received. They are mute evidence that an understanding existed between the separatists of Panama and the Roosevelt Administration.

The communication of Bunau-Varilla as Minister of Panama to Secretary Hay dated November 7, 1903, tells the story of a prior understanding as clearly as though it had been committed to parchment. No such communication would have been written without its author knowing more than he tells. He did not become enlightened, November 4–7, while reading uncertain press dispatches from the Isthmus. He had the light from which the events from November 4–7 sprang. Therefore, he was in a position to pen the contents of a note from which the following excerpt is taken:

I congratulate myself, sir, that my first official duty

should be to respectfully request you to convey to His Excellency the President of the United States on behalf of the people of Panama an expression of the grateful sense of their obligation to his Government. In extending her generous hand so spontaneously to her latest born, the Mother of the American Nations is prosecuting her noble mission as the liberator and the educator of the peoples. In spreading her protecting wings over the territory of our Republic the American Eagle has sanctified it. It has rescued it from the barbarism of unnecessary and wasteful civil wars to consecrate it to the destiny assigned to it by Providence, the service of humanity, and the progress of civilization.

The official documents from the fateful telegrams of November 2, 1903, to and including the communications of the provisional government of Panama were all penned with the antecedent understanding (not of record) in the background, and they unmistakably disclose its existence. They match too perfectly. Those of the provisional government are communicated with so much confidence that they tell a story not expressed. They are without a parallel when there were *bona fide* uprisings. The critical student of history finds in them absolute proof that our Government collaborated with some Isthmian adventurers to effect the dismemberment of Colombia.

We have seen that there were no preparations for revolt on the Isthmus and that the charge of maladministration of Panama by Colombia is

going with the following telegram of Acting-Secretary Darling to the Commander of the *Boston*, dated November 2, 1903:

> Proceed with all possible dispatch to Panama. . . . Maintain free and uninterrupted transit. If interruption is threatened by armed force occupy the line of railroad. Prevent landing of any armed force, either Government or insurgent, with hostile intent at any point within 50 miles of Panama. If doubtful as to the intention of any armed force, occupy Ancon Hill strongly with artillery. . . . Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment landing would precipitate a conflict.

The first communication was clearly designed to reduce interference with traffic to a minimum. The second and those of similar import were clearly sent for the purpose of protecting secession. The first recognized the superior right of the sovereign. The second disregarded the fundamental right of sovereignty. It and others similar to it dispatched marines to the Isthmus to take the Canal Zone. This conclusion matches with Roosevelt's assertion at Berkeley, California, *"I took the Canal Zone."*

When one country wrests property (territory) from another by force, it has been called conquest, and the actors have been called patriots. The chief actor has been given political preferment

and has received the adulation of the populace. When an individual wrests property (land) from another, we call it theft, and send the actor to the penitentiary. America ought to lead the way in the development of a tradition which will make the former as abhorrent as the latter. To do so it must clear its title to the Canal Zone of its stain by paying to Colombia an amount determined by due process of law.

Chapter VII

Acting as the Mandatory of Civilization

Criticism of the method adopted to secure the Canal Zone has not abated. Accumulation of reliable data has converted suspicion into conviction that it was not in harmony with the Golden Rule. The sifting and weighting of evidence is not yet complete. It has proceeded far enough, however, to show that a perfect understanding existed between the Roosevelt Administration and the separatists of Panama through Bunau-Varilla as the intermediary. We will set over against this conclusion the testimony of Roosevelt. In the *Outlook* of October 7, 1911, he writes in defense of the course he pursued:

> Not only was the course followed as regards Panama right in every detail and at every point, but there could have been no variation from this course except for the worse. We not only did what was technically justifiable, but we did what was demanded by every ethical consideration, national and international. We did our duty by the world, we did our duty by the people of Panama, we did our duty by ourselves. We did harm to no one save as harm is done to a bandit by a policeman who de-

prives him of his chance for blackmail. The United States has many honorable chapters in its history, but no more honorable chapter than that which tells of the way in which our right to dig the Panama Canal was secured.

Roosevelt felt grieved that the course his Administration pursued to secure title to the Canal Zone provoked a storm of criticism. He clearly expected his course to be approved. In this he was disappointed. Consequently, his writings on the subject show an increasing bitterness towards his critics. In his message to Congress on January 4, 1904, he voices his resentment as follows:

I hesitate to refer to the injurious insinuations which have been made of complicity by this Government in the revolutionary movement in Panama. They are as destitute of foundation as of propriety. The only excuse for my mentioning them is the fear lest unthinking persons might mistake for acquiescence the silence of mere self-respect. I think proper to say, therefore, that no one connected with this Government had any part in preparing, inciting, or encouraging the late revolution on the Isthmus of Panama, and that save from the reports of our military and naval officers, given above, no one connected with this Government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs.

We know that the Roosevelt Administration was prepared to dismember Colombia before the event and only those who have planned to do a

thing can be prepared to do it. There were several times as many men-of-war in Isthmian waters in November, 1903, as in 1902 when there was a formidable revolt in three provinces. Therefore, we know that his Administration had planned to do what it did. In his speech at Berkeley, California, he boastfully said: *"I took the Canal Zone."* He has not told us the antecedents. They are, however, evident to a critical student of this chapter of American history.

Can the method employed to secure the Canal Zone be defended if it should appear that our Administration acted as the mandatory of civilization? Is such a defense possible? The defenses based on this standpoint predicate a system of facts other than those that history is recording with unerring accuracy. Roosevelt boldly claims that his Administration acted as the mandatory of civilization. In his message to the Congress, he expresses it as follows:

> The possession of a territory fraught with such peculiar capacities as the Isthmus in question carries with it obligations to mankind. The course of events has shown that this canal can not be built by private enterprise, or by any other nation than our own; therefore it must be built by the United States.
>
> Every effort has been made by the Government of the United States to persuade Colombia to follow a course which was essential not only to our interests and to the

interests of the world, but to the interests of Colombia itself. These efforts have failed; and Colombia, by her persistence in repulsing the advances that have been made, has forced us, for the sake of our own honor, and of the interest and well-being, not merely of our own people, but of the people of the Isthmus of Panama and the people of the civilized countries of the world, to take decisive steps to bring to an end a condition of affairs which had become intolerable.

Roosevelt's claim that his Administration acted as the mandatory of civilization is specifically expressed in the following:

If ever a Government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the interoceanic canal. Since our purpose to build the canal was definitely announced, there have come from all quarters assurances of approval and encouragement, in which even Colombia herself at one time participated; and to general assurances were added specific acts and declarations. In order that no obstacle might stand in our way, Great Britain renounced important rights under the Clayton-Bulwer treaty and agreed to its abrogation, receiving in return nothing but our honorable pledge to build the canal and protect it as an open highway.

Another observation is now apropos. Our Government took the position that no old-world power should build the Canal. When it was purposed in France to come to the aid of the Canal Company, the United States Senate passed the following resolution:

> That the Government of the United States will look with serious concern and disapproval upon any connection of any European Government with the construction or control of any ship canal across the Isthmus of Darien or across Central America, and must regard any such connection or control as injurious to the just rights and interests of the United States and as a menace to their welfare.

This obligated the United States to build the canal. It did not obligate her to secure title to the Canal Zone by force if the orderly processes of diplomacy did not secure it as promptly as she desired. The obligation to build the canal is stated by Roosevelt in the following:

> Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumed the position of guarantor of the canal and of its peaceful use by all the world. The guaranty included as a matter of course the building of the canal. The enterprise was recognized as responding to an international need.

The Roosevelt Administration *"took"* the territory in which the canal is located. We are solemnly told, however, that, in so doing, it acted as the mandatory of civilization. Acting as a mandatory is acting as a trustee. A trustee acts within the circle prescribed by law. Colombia acted as a mandatory of civilization when she of-

fered to accept the compensation awarded by civilization. By refusing to accept the award of an arbitral tribunal the Roosevelt Administration violated the rules prescribed by civilization for a mandatory. A peaceful state cannot be disrupted by one acting as the mandatory of civilization as was Colombia. The Canal Zone belonged to Colombia. Civilization could only demand rights therein by paying the price imposed by an impartial tribunal. *That is all Colombia asked.* "Mandatory" cannot be used as a cloak to conceal the theft of the Canal Zone.

Roosevelt attempted to justify his summary procedure on the Isthmus on the theory that civilization had the right of transit across this strategic zone on reasonable terms. This is not denied. Colombia has not denied it. In short, Colombia solemnly affirmed it. She merely denied the right of Theodore Roosevelt to fix the terms. She was ready—she offered to acquiesce in the terms fixed by an impartial tribunal. Civilization had the alleged right but its corollary is the right to fix the terms as in the case of domestic eminent domain. Civilization, however, had a right paramount to this and that is to have its treaties obeyed until properly abrogated. This defense has no merit whatsoever.

If our then Government had acted as the mandatory of civilization, it would have invoked the aid of civilization to determine the compensation to be paid to Colombia for the right of way. But Colombia proposed that the compensation for the right of way be determined in this way. Therefore, Colombia and not our Government acted as the mandatory of civilization in this instance. If the Roosevelt Administration acted as the mandatory of civilization in the canal venture, as alleged, civilization must be given something to say in the fixing of the terms for its use. Those who act as mandatory for a state in the above sense (public service corporations) must conform to the terms imposed by the state as to rate and service and as to the terms to be paid for the exercise of the right of eminent domain. Colombia agreed in advance to accept such terms. Therefore our Administration did not act as the mandatory of civilization.

If action as the mandatory of civilization is warranted, who is to determine the rights of the nations in interest? Is it to be determined by the nation that is powerful or by an arbitral tribunal impartially selected? To ask the question is to answer it. Our Government did not act as the mandatory of civilization. The fact that Roose-

velt supported tolls-exemption for our intercoastal trade proves it. The tolls-exemption provision of the Panama Canal Act violated the fundamental provision of that trusteeship which acting as the mandatory of civilization predicates, that is, a non-discriminatory rate in the commercial use of the canal. In short, our Government essayed to practice in its administration of an international utility what it has made criminal if practiced in the management of a domestic utility. Roosevelt supported a policy in the case of tolls-exemption that is the very antithesis of conduct that is required of a mandatory of civilization.

Acting as the mandatory of civilization! It sounds exalted! It is exalted if the Administration that makes the pledge is inspired with moral fervor. Such an Administration does not take a Canal Zone by force but obtains it by due process of law. Nor do those who controlled the policy of such an Administration advocate the granting of a rebate or of a rake-off to our intercoastal shipping in the form of free tolls. Clearly the claim that the then Administration acted as mandatory for civilization is pretense. The method adopted for fixing the price of the privilege was not that of a mandatory—had absolutely

nothing in common with it. In the *Outlook* of January 18, 1913, Roosevelt comments on the submission of the tolls-exemption provisions of the Panama Canal Act to arbitration as follows:

> I quite admit that it would be a difficult thing to get an arbitral tribunal which will not have some bias against us. Switzerland is almost the only community which has not some commercial interest in the Panama Canal.

If in a little country with a little commercial interest there is not to be found a citizen who will be just to us in the matter of tolls, how could the author of the foregoing arrogate to himself the capacity to be just when his country had an infinitely larger interest at stake? In short, it would seem that he held that he was the vicegerent of the Lord—anointed to dispense righteousness—but that in the wide, wide world there was not another like unto him. Therefore, his is the privilege to treat a treaty as a *scrap of paper,* to kick the Constitution into the backyard, to treat international and statute law as forgotten lore and to consign to the Ananias Club those who differ with him.

Scott, a critical and impartial writer, says in his book on "The Americans in Panama":

> We have the admission of the President himself that he abandoned the regular diplomatic methods of securing

the territory needed for building a canal in favor of the primitive method of taking it by force. This leads to the admission that we set up the Republic of Panama merely to make an otherwise bald steal appear to bear some evidence of justification. . . .

President Roosevelt exerted the full capacity of his versatile mind to cloud the situation, so that the moral sense of the people would not be aroused, until it would be too late to undo his act.

He pretended that the treatment Panama had received, as a kind of stepchild of Colombia, warranted the same kind of action we took in Cuba. His Secretary of State advanced the strained construction of our solemn treaty with Colombia that we were under obligations to maintain the neutrality of the Panama Railroad, and so prevent the soldiers of Colombia from striking down the revolution. The President further recognized the independence of the Republic, and insisted that it was an act as disinterested, for instance, as our recognition of the new Republic of China. In truth, they bear no similarity of feature. . . .

In Panama the masses of the people not only did not know about the revolution until it had passed, but no more than an ordinary mob, such as may be aroused on an hour's notice in any city, participated in it.

It was not necessary that the people of Panama should know about it. The United States had agreed to stand between the clique of Panaman financiers and any offensive act Colombia might undertake. Undoubtedly there had been popular uprisings against Colombia in Panama, but the revolution of November 3, 1903, was not one of them. . . .

The rightful owner of the territory we desired for a canal was Colombia. When we took that territory we took it from Colombia. The way we took it was to participate in a bogus revolution, engineered by a Junta of wealthy Panaman business and professional men. It turned out that the part they played in making the revo-

lution a success was farcical, while the part the United States marines played was vital. . . .

If any American railroad should desire property for a right of way and, instead of condemning it by due process of law, should connive with a neighbor to falsely claim possession of the property and then buy the property from the illegal owner, the action not only would not stand in law, but it would outrage public opinion. That precisely is the course we followed at Panama. President Roosevelt did not dare to take the property outright from Colombia, the compensation to be fixed by due process afterwards, but connived with a revolutionary Junta, through his Secretary of State, to have the property claimed by a Republic to be set up specifically for that purpose, which Republic would sell the property to the United States. . . .

But it ought to be set down as a maxim of canal management, if not of national policy, that no neighbor of the canal should be allowed to remain on bad terms with the Americans. It is not good that a nation so near as Colombia should be in a hostile frame of mind toward the United States. This is true, not so much for what a sense of injustice rankling in the minds of her citizens might precipitate, but because, if anything happened to the canal, Colombia, in the event blame was not promptly fixed, inevitably would have to bear the burden of our suspicion.

But, ultimately, the question of reparation must rest squarely upon a moral issue. It is not so much the rights of Colombia that should impel us to an act of reparation as a desire to live up to our own best instincts. The American ideal is something far different from law-compelled righteousness; it rises to the grandeur of righteousness for the sake of righteousness. Colombia suffered materially by our act, and an enlightened judgment would be that we suffer most.

Is it compatible with the dignity of a great nation like the United States to reverse its position by making reparation? This question more properly should read, Is it compatible with the pride of a great nation like the United States to make reparation? The answer is: The United States has no dignity to uphold. It may restore its dignity and sense of righteousness only by reversing its willful and headstrong action. We merely play the ostrich in sticking our head in the sand of the Panama revolution and fancy our action is hid. . . .

Those Americans who balk at the prospect of a large money indemnity to Colombia, for taking Panama, should ask themselves whether any mere love of lucre should stand between us and a clear conscience. The situation in which we are involved may cost dearly to straighten out, but that is the inevitable price, in the individual or national life, of walking in the paths of unrighteousness. The Colombian claim is a call to arms between the forces of good and evil in the American national character. Do we stand at Armageddon, and do we battle for the Lord?

Our action in the matter of reparation to Colombia will tell where we stand. We may preach righteousness from the housetops and chant *holy—holy,* but if we do not repent of the wrong we did Colombia, we do not stand at Armageddon and battle for the Lord.

American public opinion would have insisted that we secure the Canal Zone by lawful means instead of by warships if it had been consulted. It would now demand that adequate reparation

be made to Colombia if it were informed—if it knew that our Administration actually sandbagged Colombia and wrested the Province of Panama from her by force.

There are wrongs, however, which cannot be righted. This is one of them. The strategic Isthmus wrested from Colombia by the display of force cannot be restored to her. Too many newly created vested interests forbid. We must, however, atone for the political crime of the Roosevelt Administration by paying the penalty imposed by an impartial tribunal.

What we did on the Isthmus cannot be undone. There can be no adequate reparation for the wilful dismemberment of another country if the part wrested from her is set up as an independent State. There can, however, be disavowal of the act and compensation for loss suffered.

If the Roosevelt Administration did not wrong Colombia, why not let an impartial arbitral tribunal record the fact? That would be conduct becoming a mandatory of civilization. If wrong is done it is nobler to make reparation than to let history record it as an unrequited injury done to a small state by one pretending disinterestedness and exalted moral purpose. We are in full accord with the following excerpt from an editorial

which appeared in the New York *World* on January 27, 1912:

> If Colombia has no claim to indemnity, that fact will be established by a full and fair investigation. If Colombia has a claim, that claim ought to be satisfied. No other course is compatible with the honor and integrity of the American people. Whether the controversy is to be settled by a congressional investigation or referred to The Hague tribunal is a matter of detail. The important thing is that this international scandal be disposed of for all time before the canal is opened, and that no stain be left upon the American title. Congress owes that to the country, and the country owes that to itself.

Colombia is embittered—is estranged. Suspicion and coldness are now enthroned where confidence dwelt. It is difficult to restore the former cordial relations. It could easily have been maintained. It merely required that our Government act within the circle prescribed by the law of nations to secure the Canal Zone. This it failed to do. It has lowered our standing in the family of nations.

In the parliament of nations, influence is more and more being determined by character. Character is the product of material and spiritual development. It is stained by robbing others under the pretext of an *opera bouffe* revolution. Our Administration will be held responsible when this

dark chapter of American diplomatic history is fully recorded. It behooves such Americans as love truth and justice to demand that we officially disavow this act and make reparation to Colombia.

In 1906, Secretary Root visited Latin-American countries. One of the purposes of this visit was to make:

> A frank avowal of national policy and sentiment in the relations of the United States with the countries of Latin America, to remove the unfavorable impressions at that time widely prevailing and so bring about unity of thought and feeling among all the nations of this continent.

If this visit had been preceded by an act of justice to Colombia, the reception would not have been dimmed by misgivings. Latin America would have known that the profession of good-will was backed by deeds. As it was, they knew that Uncle Sam could bear the visage of a parson while playing the rôle of a bandit. We have an observation concerning the visit to the Argentine Republic in the following:

> After his first public utterances in the capital of the Argentine Republic, it became evident that the explanation of the presence of the Secretary of State of the United States was to be found in the simple desire of his country to cultivate closer and more friendly intercourse

with the other independent States of America. It was seen that Secretary Root represented that America of which the Argentine people had seen little and heard less; the America that thinks on the lines laid down by the Pilgrim Fathers; the America that is not all push and commercial activity but . . . . a powerful section of the vast population governed by nobler impulses and the higher ranges of thought. An entire revulsion of feeling set in and one of the greatest triumphs of diplomacy of modern times was achieved.

International good-will cannot be called into being with a magician's wand. Legerdemain cannot create it. Mere professions of a distinguished visitor cannot blot out an unrepented and unrequited crime. Good-will is the product of just conduct—of square dealing—of actual deeds and not of professions. It is the product of insight—of correct conduct based on insight. Only by correct conduct can we restore our prestige in Spanish-America.

In 1903, our Administration took the Canal Zone by the prerogative of acting outside of the law of nations in order to expedite an enterprise which would be of inestimable benefit to collective civilization. Spanish-America knew it at the time of the Root sojourn among them. They knew that the Administration of which he was then a part had treated an international covenant as a *scrap of paper.*

The United States, while preventing the conquest of American territory by European nations, has not been logical nor honest; it has not respected the essential equity of the principle, for it has conquered territory by violating the sovereignty of other American nations.

In the policy of the White House there has become apparent a marked change regarding Latin America. A good man has come into power, one whose honest conscience makes no compromises with iniquity and refuses to bow to the historical and universal doctrine that it is allowable for a nation to do collectively what for an individual would be criminal.

Mr. Wilson has proclaimed from the lofty position which he occupies that the moral law for a statesman, as for the individual, should be justice, not expediency. The statesman of the entire world, shackled to the Governmental tradition of all historical epochs and stupefied before such audacity, called him a dreamer, not daring to call him a traitor.

President Wilson has not confined himself to words; he has passed on to action. He gave proof of this to his fellow-citizens when, appealing to the national honor, he obtained the repeal of the law regarding Panama tolls, which was based on expediency, not justice. And it was the same in Colombia with the treaty of April 6 of this year, which made good the injury done to the Republic of Colombia by the Administration of Roosevelt in so far as it lay within human power so to do.

The Monroe Doctrine, which has been our defense against European conquest, did not prevent our spoliation. Up to now the United States has not carried this doctrine to its extreme limit of logical development, viz. the prohibition of conquest, which is robbery and spoliation, explicitly as such, no matter who may perpetrate it—an American republic, a European monarchy, or a European republic.

Already things are changing. At Mobile, in October of last year, President Wilson declared, in the name of

the United States, that the latter would not in future acquire territory on the American continent by means of war or conquest. Wilson has as good a right to speak in behalf of his country as had Monroe. The value of this promise of Wilson, its transcendental importance, what it means as a victory for the principles of international justice, may be measured, just as temperature is measured by a thermometer, by the hysterical and clamorous rage which it aroused in Roosevelt, the apostle of imperialism, the butcher of Colombia.

The opportunity which now presents itself is propitious for obtaining from the United States a solemn ratification of the principle laid down by President Wilson at Mobile. If anywhere there is ill-feeling toward the United States on account of the past, to allow it to impair judgment would be an unpardonable mistake, now that Wilson has erased the past. If the personal and historical elements offered by the present time are not utilized a deplorable error, whose results are beyond calculation, will have been committed.

A Monroe Doctrine carried to the extreme limit of its logical development, which will defend the continent, as it has in the past, against the voracity of Europe, which will tie the hands both of Yankee imperialism and of the shameful and treacherous imperialisms already arising in Latin America—there would be an element of tremendous import in achieving peace and progress for all the American Continent.

This end can be achieved at the Pan-American Congress about to meet at Santiago de Chile; there the necessary agreement between the nations of America should be adopted. Without doubt it will be necessary to ratify this by means of special agreements among the various Governments. Some nations—let us hope not—might oppose the moral guaranteeing of the territorial inviolability of each and all of the American nations by each and all of the rest. This would reveal the existence, in the countries making such opposition, of brands of

greed and cupidity which it would be well at all events to lay bare.

The personal elements of the present hour are decisive; the delegates from the United States to the Pan-American Congress cannot contradict nor fail to support the principles so gallantly proclaimed before the world by President Wilson at Mobile. The ratification of this in the form set forth above would be an obstacle in the path of imperialistic attempts in case the old tendency should again gain the upper hand in the United States under Roosevelt or some other like him.

The Latin-American nations proclaiming the principle of international justice—that the sovereignty of the Latin-American nations cannot be violated by another or others of these nations, nor by the nations of other continents—dignifying thus the Monroe Doctrine and completing its moral integrity would, I hold, do a great work in the cause of justice, liberty, and democracy, so grievously threatened in this black and turbulent hour of war and extermination in Europe.

I respectfully ask that you raise the banner of this noble idea in order that the delegates from Colombia may present it, in the name of our country, before the coming Pan-American Congress.

There will be some, and you will hear them, Mr. President, who will tell you and the republic that the most that may be attained will be a treaty signed by all the nations of North, Central, and South America, but that this will not benefit us in the least, because, when it may suit the convenience of the strong in the future, that treaty will be torn to bits just as was the treaty between Colombia and the United States. They will tell you that to put faith in written words and in signatures of nations, after Germany has ground under her horses' heels the compacts, signed by all Europe, making Luxemburg and Belgium neutral, and called them "scraps of paper," is an unpardonable piece of childishness. They will tell you that the only strength is that of the sword, that the

only voice to which the world listens is the voice of cannon. To such men I make answer that theirs is the eternal doctrine of Draconians and demagogues for obstructing the evolution of justice.

We, the weak, have only right for a shield; if we ourselves make haste to discredit right we play into the hands of its violators and show them the road. If right is vanquished, it is not for us to cover it with the mud of vituperation and mockery, but to raise it up from the dust high, very high, as the Redeemer raised His Cross, so that it may be a beacon lighting up men's consciences.

To submit voluntarily and prematurely to deceit and violence is to make ourselves deserving of the yoke of slavery; it is, moreover, a crime against our native land. We have not the right to be cowards in advance.

We have neither sword nor cannon; let us then rally to the right, in the firm conviction that right must triumph in the end.

This shows how Colombia feels. It also shows that the feeling of apprehension on the part of the small Latin-American states is warranted. It can only be allayed by voluntarily making reparation to Colombia. Will the people of the United States deny justice to Colombia because they have the physical prowess to resist the promptings of the still small voice within which urges them to repent?

The United States should coöperate whole heartedly in carrying out the foregoing suggestion that the principles of the Monroe Doctrine be made Pan-American. Our country can not

expect to be as influential as it would be in creating a tradition favorable to peace and justice in the Western Hemisphere if it insists on exclusive responsibility for the maintenance of the aforementioned policy.

The United States ought to do right because it is right and not because it pays. If to do right also pays, the argument for justice is reënforced. To grant justice to Colombia will pay. We quote from Granger's article in the *Independent*, "The Stain of Our Flag":

As Mr. Barrett said, settlement with Colombia would be simply bread cast on the waters of Latin-American trade, which would come back to us in short order in the increased commerce that would result from the good feeling engendered.

Since the "secession" Colombia has had as its motto "Peace and Work." Its government is representative of both political parties. Reyes began its regeneration—he doubled the price of Colombia's bonds on the London Exchange, put the army to work on the roads, and paid the salaries of the employees, as well as trebling the number of schools. Gonzales Valencia, who succeeded Reyes, kept up the good work. Now President Restrepo has placed the country's credit higher than ever and shown a most creditable record.

Colombia's worst drawback is her fiat money, a relic of the days of the civil war (1899-1902) that all agree shall be her last. With this redeemed and the currency on a gold basis, she would soon be prosperous indeed. Colombia is a country of infinite natural resources and

industrious inhabitants, and a brilliant future awaits her as soon as the curse of valueless paper is removed. The prosperity which resulted in Argentina when the basic element of circulating medium was supplied will follow as surely in Colombia.

A payment to Colombia of $25,000,000 and a new treaty of friendship and commerce, would be an excellent investment for us, and would completely wipe out the smirch on our honor.

Granger quotes a New York merchant as follows:

On account of the feeling against us in Latin America because of the Panama affair we have lost in trade more than the whole canal will cost.

The views of the writer are clearly expressed in the following taken from a metropolitan daily:

Our people have not yet appreciated how much we need, and would profit by closer friendship and fuller understanding with the peoples of the other American republics. Every one of the efforts now being made to bring those peoples nearer to us, to understand more completely their point of view, their history, their literature, their institutions, and every effort to break down the barrier of language which separates us, deserves the heartiest support. The relation we seek with them is not a relation in which we are to exercise power, but one in which we and they together are to exercise an influence that is higher and better than mere power, because it is the outgrowth of our common devotion to democratic institutions and our complete and sympathetic understanding of what the very word "America" typifies and signifies.

Lorraine *revanche* festering to the south of this beneficent enterprise? It is for our Senate to determine. We read in the Norfolk *Landmark:*

> The Republic of Colombia has adopted as an official history a work which accuses the United States of criminal intent in procuring the secession of Panama. . . .
>
> It is said that each child in the Colombian public schools will be required to memorize the chapter dealing with the secession of Panama. This will mean that the republic will foster for years, if not forever, a spirit of antagonism toward the United States. This country cannot afford to have such enmities in South America. Panama itself is hardly worth the price.

Elsewhere we find the very essence of Colombia's indictment of our moral perfidy and how it is propagated. It reads:

> The Colombian Republic was physically unable to prevent the success of the conspiracy by which Uncle Sam deprived it of the state of Panama. But it is apparently intelligent enough to understand the *modus operandi* of the game, and nervy enough to tell about it upon all proper occasions. It has even recently gone to the length of providing its public schools with histories which teach and thoroughly expose the wretched part played by the Washington administration in fomenting a fake rebellion on the Isthmus, and in treacherously lending its warships to the service of the seceders. Not only this, but in terms and by name do these school books outline the perfidy of Theodore Roosevelt, who, as President, was responsible for the fact, and who outraged the first principle of international comity, and far exceeded his rightful jurisdiction by actively exerting himself in aid of the shameless robbery of a sister Republic.

Colombia's wrongs cry to heaven for redress. They must not be perpetuated. Right should be the unsullied watchword of the United States. Colombia asks for justice. She does not ask for the impossible. Her people do not blame the people of the United States. Her statesmen respect our statesmen and admire Woodrow Wilson. They blame Roosevelt. They know that he and not the American people willed Colombia's humiliation. They merely ask for justice. If this is granted, they will again extend to us the right hand of fellowship. It is well expressed by one of her great men, Triana. The New York *Times* of June 6, 1915, printed portions of an address of his with the following summary of it:

During the recent Pan-American Conference at Washington Mr. Santiago Perez Triana of Colombia delivered an address on the necessity for Americans, North and South, letting the rest of the world understand plainly that the Western Hemisphere is to be retained by Americans and is not to be permitted to be made the victim of territory grabbing by European powers—such an extension of the Monroe Doctrine that each South and Central American republic will adopt that doctrine for itself.

Excerpts from this noteworthy address which are germane at this point of our discussion read:

The hour of watchfulness for us Americans of all sections has only just begun, and we would be unworthy of the men who achieved our emancipation and who

ratification of the Colombian treaty, which would insure the restoration of the century-old friendship formerly existing between our two countries and virtually give the United States the foreign trade of Colombia.

The facts that Colombia is the nearest of the South American republics, and the only one having coasts on both oceans; that rapid and direct steamship communications already exist, and that in natural wealth and undeveloped resources she surpasses all her neighbors may be mentioned to show that every consideration of expediency and self-interest is added to those of justice and international good will involved in the final settlement of Colombia's claims.

With every confidence in the far-seeing statesmanship and true patriotism of the Senate Committee on Foreign Relations, the undersigned merchants doing business with Colombia beg most respectfully to urge the prompt ratification of the treaty signed at Bogotá on April 6, 1914, between the United States and the Republic of Colombia.

This done, then the Congress should investigate through an expert committee the compensation actually due Colombia and voluntarily grant Colombia the full measure of justice due her. It would exalt the United States in Latin America. It would transform suspicion into confidence. Can the United States, which, from humanitarian motives, returned twelve million dollars to China and spent a hundred million to free Cuba, refuse equitably to compensate Colombia?

In a memorandum dated May 3, 1913, addressed to Secretary Bryan by the then Minister of Colombia occurs the following:

Both the People and the Government of Colombia have felt a deep satisfaction on learning of the very noble resolution Your Excellency has formed to cultivate relations of sincere friendship with the Republics of Latin America by means of a high-minded and just policy; the note in which Your Excellency has already struck in that beautiful thought:—

> "The Lord has made us neighbors;
> Let Justice make us friends."

Who can deny that the beginning of a new era of justice should be marked by giving to my country that reparation which is her due? Her cause is eminently just. Colombia asks for the fulfillment of sacred obligations entered into by solemn treaty, the Treaty of 1846, and she bases this appeal on a fundamental axiom of the Law of Nations, which declares that all States, great or small, are equal in the family of nations. It can be said that the case of Colombia is a leading case in the international life of the New World; because the manner in which it will be decided will show whether the Great Republic, in its dealings with the nations of America, intends or does not intend to abide by the fundamental principles of international law.

This simple and direct appeal for justice by Colombia is naturally followed here by an observation of Viscount James Bryce on the present European situation. It is so apropos that it might have been addressed to us:

In the judgment which history will hereafter pass upon the forty centuries of recorded progress toward civilization that now lie behind us, what are the tests it will apply to determine the true greatness of a people?

Not population, not territory, not wealth, not military

power. Rather will history ask: What examples of lofty character and unselfish devotion to honor and duty has a people given? What has it done to increase the volume of knowledge? What thoughts and what ideals of permanent value and unexhausted fertility has it bequeathed to mankind? What works has it produced in poetry, music, and the other arts to be an unfailing source of enjoyment to posterity? . . .

Each race has something to give, each something to learn; and when their blood is blended the mixed stock may combine the gifts of both. . . .

The mark of an advancing civilization has been the substitution of friendship for hatred and of peaceful for warlike ideals. That small peoples have done and can do as much for the common good of humanity as large peoples. That Treaties must be observed, for what are they but records of national faith solemnly pledged, and what could bring mankind more surely and swiftly back to that reign of violence and terror from which it has been slowly rising for the last ten centuries than the destruction of trust in the plighted faith of nations?

To conciliate Colombia for the loss of Panama the Taft Administration made overtures for a concession of the Atrato canal route and the perpetual lease of certain islands for coaling stations and other purposes and actually offered for them $10,000,000! An offer of a mere pittance for valuable concessions to right a colossal wrong! President Restrepo promptly replied in words that ought to bring the blush of shame to self-respecting Americans:

President Roosevelt took Panama, our richest asset, and now you are sent here to take our islands, and the

only canal route we have left. Is there anything else that the northern Colossus would like to separate us from?

Read the foregoing reply by President Restrepo again and then determine for yourself whether the Roosevelt Administration acted as the mandatory of civilization when it *"took"* the Canal Zone by force, and, in so doing, rent asunder the Republic of Colombia, an ally of the United States by the Treaty of 1846.

This action of the Roosevelt Administration was a challenge to civilization—a determination to secure outside of the methods forged by civilization an opportunity to prosecute a great undertaking without paying the price that civilization would impose by due process of law. The act was anti-social. It was the negation of social justice. Professor Johnson of Denison University, in his criticism of German lawlessness in the war, has expressed the views that the writer holds concerning the lawless method employed to secure the Canal Zone. It reads:

This is no more nor less than a challenge to civilization itself. Civilization in smaller groups is the habit, or art, of living together as individuals, with such recognition of the interests and welfare of others, such restraint upon the promptings of mere self-interest, as is necessary to make organized society possible, and to conduce to the greatest feasible happiness and prosperity of all who are

willing to recognize the doctrine of mutual rights and obligations. Such a society, of course, requires definite assent to a certain amount of restraint, which must take the form of "law." The man who refuses to live in accordance with this, after it has been duly agreed upon, is an outlaw, and cannot be called "civilized" in any right sense of that term.

Civilization in the larger group, where the nation or State is the individual, is essentially the same. Human progress had not gone very far when it was clearly realized that continued progress was possible only as individual States would recognize a theory of mutual rights and obligations in their relations with each other. A "jus gentium" began to grow up in the Mediterranean basin, where civilization achieved its earlier growth, and the best moral sentiment in all nations began to condemn as imperfectly civilized, even by the crude standards of that day, any individual nation which deliberately and knowingly violated this "jus gentium," or Law of Nations. And from the days of the Greeks and Romans until to-day, that feeling of condemnation has been strongest wherever and whenever the roots of a really sound moral and intelligent civilization have struck deepest.

President Wilson undoubtedly expressed the sentiment of the great majority of the American people when he said:

We want no nation's property; we wish to question no nation's honor; we wish to stand selfishly in the way of the development of no nation; we want nothing that we cannot get by our own legitimate enterprise and by the inspiration of our own example; and standing for these things, it is not pretension on our part to say that we are privileged to stand for what every nation would

wish to stand for, and speak for those things which all humanity must desire.

It is entirely apropos from the lips of our universally esteemed President. He secured the repeal of the tolls-exemption provisions of the Panama Canal Act and thus restored our plighted word embodied in the Hay-Pauncefote treaty. He has negotiated a treaty with Colombia which makes reparation to that country for a wrong done by a former Administration. He is putting into practice what he, as the spokesman of the American people, preaches as their exalted aim.

The United States took the Canal Zone by force and, in so doing, despoiled Colombia of her most valuable province. This done, she proceeded to despoil collective civilization of its inherent right to a non-discriminating and reasonable charge for the commercial use of the Panama Canal. In repealing the tolls-exemption provisions of the Panama Canal Act she abandoned the projected spoliation of collective civilization. If the Senate ratifies the pending treaty negotiated with Colombia, our Government will have made some reparation to that Republic for the province our agent wrested from her.

The voluntary repeal of the tolls-exemption provision of the Panama Canal Act was credit-

able. But Great Britain was strong. Colombia is weak. Reparation to Colombia will be more creditable. It will restore our national honor and will vindicate our claim to be guided by exalted moral purpose.

When Wilson became President, he found our national honor in pawn—twice pawned. One ticket has been redeemed. The tolls-exemption provision of the Panama Canal Act has been repealed. Let us redeem the other ticket. It can be done by making substantial reparation to Colombia. This done, the United States will start the new era of world-history, which will follow the war, with a clean slate. President Wilson has done his part. He is a President whom all Americans of high character delight to honor, to whom the crowned heads of Europe doff their hat, and in whom Spanish-America has reposed confidence. Let us coöperate with him to secure some measure of justice to Colombia by inducing our Senate to ratify the treaty negotiated with Colombia, dated Bogotá, April 6, 1914. If the American people can be sufficiently interested to inform themselves concerning the manner in which we secured the Canal rights that we possess, they will repudiate the duplicity, cunning and arrogance whereby they were secured and, being

sound of heart and steadfast of soul, they will make adequate reparation to Colombia. That will be acting as the mandatory of civilization.

Henry W. Hall, staff correspondent of the New York *World,* stated in his testimony before the House Committee on Foreign Relations:

> I have seen the whole face of the Isthmus changed by the labor of American Army engineers, who are building the Panama Canal. It is the greatest piece of engineering work ever accomplished anywhere in the world, and it is being done in a manner which reflects the utmost credit upon Colonel Goethals and everybody who is connected with it. The Panama Canal, the great American highway through which ships of all nations will soon carry the commerce of the world, stands for all time as a monument to the constructive genius of the American people. It is a thing to be proud of; an achievement wherein the people of this country have succeeded after others have failed. It should be without stain. It should be born into its usefulness and given to the commerce of the world without the bar sinister of rape and lawlessness.

The writer is convinced that whenever the United States is ready to admit the truth, to promulgate the truth, and to deal with Colombia on a basis of truth and law, the differences between the two countries will be satisfactorily composed. In the White House is a just man, an honest man, a truthful man, and a wise man. He has done his duty. The Colombian Government has negotiated with his Administration a treaty to compose

ate do its duty?

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must repent as a nation,
meet for repentance.

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APPENDICES

I

FROM PRESIDENT ROOSEVELT'S MESSAGE TO CONGRESS — DECEMBER 7, 1903

By the act of June 28, 1902, the Congress authorized the President to enter into treaty with Colombia for the building of the canal across the Isthmus of Panama; it being provided that in the event of failure to secure such treaty after the lapse of a reasonable time, recourse should be had to building a canal through Nicaragua. It has not been necessary to consider this alternative, as I am enabled to lay before the Senate a treaty providing for the building of the canal across the Isthmus of Panama. This was the route which commended itself to the deliberate judgment of the Congress, and we can now acquire by treaty the right to construct the canal over this route. The question now, therefore, is not by which route the Isthmian Canal shall be built, for that question has been definitely and irrevocably decided. The question is simply whether or not we shall have an Isthmian Canal.

When the Congress directed that we should take the Panama route under treaty with Colombia, the essence of the condition, of course, referred not to the government which controlled that route, but to the route itself; to the territory across which the route lay, not to the

name which for the moment the territory bore on the map. The purpose of the law was to authorize the President to make a treaty with the power in actual control of the Isthmus of Panama. This purpose has been fulfilled.

In the year 1846 this Government entered into a treaty with New Granada, the predecessor upon the Isthmus of the Republic of Colombia and of the present Republic of Panama, by which treaty it was provided that the Government and citizens of the United States should always have free and open right of way or transit across the Isthmus of Panama by any modes of communication that might be constructed, while in return our Government guaranteed the perfect neutrality of the above-mentioned Isthmus with the view that the free transit from the one to the other sea might not be interrupted or embarrassed. The treaty vested in the United States a substantial property right carved out of the rights of sovereignty and property which New Granada then had and possessed over the said territory. The name of New Granada has passed away and its territory has been divided. Its successor, the Government of Colombia, has ceased to own any property in the Isthmus. A new republic, that of Panama, which was at one time a sovereign state, and at another time a mere department of the successive confederations known as New Granada and Colombia, has now succeeded to the rights which first one and then the other formerly exercised over the Isthmus. But as long as the Isthmus endures, the mere geographical fact of its existence, and the peculiar interest therein which is required by our position, perpetuate the solemn contract which binds the holders of the territory to respect our

right to freedom of transit across it, and binds us in return to safeguard for the Isthmus and the world the exercise of that inestimable privilege. The true interpretation of the obligations upon which the United States entered in this Treaty of 1846 has been given repeatedly in the utterances of Presidents and Secretaries of State. Secretary Cass in 1858 officially stated the position of this Government as follows:

> The progress of events has rendered the inter-oceanic route across the narrow portion of Central America vastly important to the commercial world, and especially to the United States, whose possessions extend along the Atlantic and Pacific coasts, and demand the speediest and easiest modes of communication. While the rights of sovereignty of the states occupying this region should always be respected, we shall expect that these rights be exercised in a spirit befitting the occasion and the wants and circumstances that have arisen. Sovereignty has its duties as well as its rights, and none of these local governments, even if administered with more regard to the just demands of other nations than they have been, would be permitted, in a spirit of Eastern isolation, to close the gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them, or, what is almost equivalent, to encumber them with such unjust relations as would prevent their general use.

Seven years later, in 1865, Mr. Seward in different communications took the following position:

> The United States have taken and will take no interest in any question of internal revolution in the State of Panama, or any State of the United States of Colombia, but will maintain a perfect neutrality in connection with such domestic altercations. The United States will, nevertheless, hold themselves ready to protect the transit trade across the Isthmus against invasion of either domestic or foreign disturbers of the peace of the State of Panama. . . . Neither the text nor the spirit of the stipulation in that article by which the United States engages to preserve the neu-

trality of the Isthmus of Panama imposes an obligation on this Government to comply with the requisition [of the President of the United States of Colombia for a force to protect the Isthmus of Panama from a body of insurgents of that country]. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only.

Attorney-General Speed, under date of November 7, 1865, advised Secretary Seward as follows:

From this treaty it cannot be supposed that New Granada invited the United States to become a party to the intestine troubles of that government, nor did the United States become bound to take sides in the domestic broils of New Granada. The United States did guarantee New Granada in the sovereignty and property over the territory. This was as against other and foreign governments.

For four hundred years, ever since shortly after the discovery of this hemisphere, the canal across the Isthmus has been planned. For two score years it has been worked at. When made it is to last for the ages. It is to alter the geography of a continent and the trade routes of the world. We have shown by every treaty we have negotiated or attempted to negotiate with the peoples in control of the Isthmus and with foreign nations in reference thereto our consistent good faith in observing our obligations; on the one hand to the peoples of the Isthmus, and on the other hand to the civilized world whose commercial rights we are safeguarding and guaranteeing by our action. We have done our duty to others in letter and in spirit, and we have shown the utmost forbearance in exacting our own rights.

Last spring, under the act above referred to, a treaty concluded between the representatives of the Republic of Colombia and of our Government was ratified by the

Senate. This treaty was entered into at the urgent solicitation of the people of Colombia and after a body of experts appointed by our Government especially to go into the matter of the routes across the Isthmus had pronounced unanimously in favor of the Panama route. In drawing up this treaty every concession was made to the people and to the Government of Colombia. We were more than just in dealing with them. Our generosity was such as to make it a serious question whether we had not gone too far in their interest at the expense of our own; for in our scrupulous desire to pay all possible heed, not merely to the real but even to the fancied rights of our weaker neighbor, who already owed so much to our protection and forbearance, we yielded in all possible ways to her desires in drawing up the treaty. Nevertheless the Government of Colombia not merely repudiated the treaty, but repudiated it in such manner as to make it evident by the time the Colombian Congress adjourned that not the scantiest hope remained of ever getting a satisfactory treaty from them. The Government of Colombia made the treaty, and yet when the Colombian Congress was called to ratify it the vote against ratification was unanimous. It does not appear that the government made any real effort to secure ratification.

Immediately after the adjournment of the Congress a revolution broke out in Panama. The people of Panama had long been discontented with the Republic of Colombia, and they had been kept quiet only by the prospect of the conclusion of the treaty, which was to them a matter of vital concern. When it became evident that the treaty was hopelessly lost, the people of Panama rose

literally as one man. Not a shot was fired by a single man on the Isthmus in the interest of the Colombian Government. Not a life was lost in the accomplishment of the revolution. The Colombian troops stationed on the Isthmus, who had long been unpaid, made common cause with the people of Panama, and with astonishing unanimity the new republic was started. The duty of the United States in the premises was clear. In strict accordance with the principles laid down by Secretaries Cass and Seward in the official documents above quoted, the United States gave notice that it would permit the landing of no expeditionary force, the arrival of which would mean chaos and destruction along the line of the railroad and of the proposed canal, and an interruption of transit as an inevitable consequence. The *de facto* Government of Panama was recognized in the following telegram to Mr. Ehrman:

> The people of Panama have, by apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence. When you are satisfied that a *de facto* government, republican in form and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of citizens of the United States and to keep open the Isthmian transit, in accordance with the obligations of existing treaties governing the relations of the United States to that territory.

The Government of Colombia was notified of our action by the following telegram to Mr. Beaupré:

> The people of Panama having, by an apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence, and having adopted

a government of their own, republican in form, with which the Government of the United States of America has entered into relations, the President of the United States, in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the Governments of Colombia and of Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound not merely by treaty obligations, but by the interests of civilization, to see that the peaceful traffic of the world across the Isthmus of Panama shall not longer be disturbed by a constant succession of unnecessary and wasteful wars.

When these events happened, fifty-seven years had elapsed since the United States had entered into its treaty with New Granada. During that time the Governments of New Granada and of its successor, Colombia, have been in a constant state of flux. The following is a partial list of the disturbances on the Isthmus of Panama during the period in question, as reported to us by our consuls. It is not possible to give a complete list, and some of the reports that speak of "revolutions" must mean unsuccessful revolutions.

May 22, 1850.—Outbreak; two Americans killed. War vessel demanded to quell outbreak.

October, 1850.—Revolutionary plot to bring about independence of the Isthmus.

July 22, 1851.—Revolution in four Southern provinces.

November 14, 1851.—Outbreak at Chagres. Man-of-war requested for Chagres.

June 27, 1853.—Insurrection at Bogotá, and consequent disturbance on Isthmus. War vessel demanded.

May 23, 1854.—Political disturbances; war vessel requested.

June 28, 1854.—Attempted revolution.

October 24, 1854.—Independence of Isthmus demanded by provincial legislature.

April, 1856.—Riot, and massacre of Americans.

May 4, 1856.—Riot.

May 18, 1856.—Riot.

June 3, 1856.—Riot.

October 2, 1856.—Conflict between two native parties. United States forces landed.

December 18, 1858.—Attempted secession of Panama.

April, 1859.—Riots.

September, 1860.—Outbreak.

October 4, 1860.—Landing of United States forces in consequence.

May 23, 1861.—Intervention of the United States forces required, by intendente.

October 2, 1861.—Insurrection and civil war.

April 4, 1862.—Measures to prevent rebels crossing Isthmus.

June 13, 1862.—Mosquera's troops refused admittance to Panama.

March, 1865.—Revolution, and United States troops landed.

August, 1865.—Riots; unsuccessful attempt to invade Panama.

March, 1866.—Unsuccessful revolution.

April, 1867.—Attempt to overthrow Government.

August, 1867.—Attempt at revolution.

July 5, 1868.—Revolution; provisional government inaugurated.

August 29, 1868.—Revolution; provisional government overthrown.

April, 1871.—Revolution; followed apparently by counter revolution.

April, 1873.—Revolution and civil war which lasted to October, 1875.

August, 1876.—Civil war which lasted until April, 1877.

July, 1878.—Rebellion.

December, 1878.—Revolt.

April, 1879.—Revolution.

June, 1879.—Revolution.

March, 1883.—Riot.

May, 1883.—Riot.

June, 1884.—Revolutionary attempt.

December, 1884.—Revolutionary attempt.

January, 1885.—Revolutionary disturbances.

March, 1885.—Revolution.

April, 1887.—Disturbance on Panama Railroad.

November, 1887.—Disturbance on line of canal.

January, 1889.—Riot.

January, 1895.—Revolution which lasted until April.

March, 1895.—Incendiary attempt.

October, 1899.—Revolution.

February, 1900, to July, 1900.—Revolution.

January, 1901.—Revolution.

July, 1901.—Revolutionary disturbances.

September, 1901.—City of Colon taken by rebels.

March, 1902.—Revolutionary disturbances.

July, 1902.—Revolution.

The above is only a partial list of the revolutions, rebellions, insurrections, riots, and other outbreaks that have occurred during the period in question; yet they number

had, on several occasions, been averted by warning from this Government. In 1886, when Colombia was under the menace of hostilities from Italy in the Cerruti case, Mr. Bayard expressed the serious concern that the United States could not but feel that a European power should resort to force against a sister republic of this hemisphere, as to the sovereign and uninterrupted use of a part of whose territory we are guarantors under the solemn faith of a treaty.

The above recital of facts establishes beyond question: First, that the United States has for over half a century patiently and in good faith carried out its obligations under the Treaty of 1846; second, that when for the first time it became possible for Colombia to do anything in requital of the services thus repeatedly rendered to it for fifty-seven years by the United States, the Colombian Government peremptorily and offensively refused thus to do its part, even though to do so would have been to its advantage and immeasurably to the advantage of the State of Panama, at that time under its jurisdiction; third, that throughout this period revolutions, riots, and factional disturbances of every kind have occurred one after the other in almost uninterrupted succession, some of them lasting for months and even for years, while the central government was unable to put them down or to make peace with the rebels; fourth, that these disturbances instead of showing any sign of abating have tended to grow more numerous and more serious in the immediate past; fifth, that the control of Colombia over the Isthmus of Panama could not be maintained without the armed intervention and assistance of the United States.

In other words, the Government of Colombia, though wholly unable to maintain order on the Isthmus, has nevertheless declined to ratify a treaty the conclusion of which opened the only chance to secure its own stability and to guarantee permanent peace on, and the construction of a canal across, the Isthmus.

Under such circumstances, the Government of the United States would have been guilty of folly and weakness, amounting in their sum to a crime against the Nation, had it acted otherwise than it did when the revolution of November 3 last took place in Panama. This great enterprise of building the interoceanic canal can not be held up to gratify the whims, or out of respect to the governmental impotence, or to the even more sinister and evil political peculiarities, of people who, though they dwell afar off, yet, against the wish of the actual dwellers on the Isthmus, assert an unreal supremacy over the territory. The possession of a territory fraught with such peculiar capacities as the Isthmus in question carries with it obligations to mankind. The course of events has shown that this canal can not be built by private enterprise, or by any other nation than our own; therefore it must be built by the United States.

Every effort has been made by the Government of the United States to persuade Colombia to follow a course which was essential not only to our interests and to the interests of the world, but to the interests of Colombia itself. These efforts have failed; and Colombia, by her persistence in repulsing the advances that have been made, has forced us, for the sake of our own honor, and of the interest and well-being, not merely of our own people,

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by the republic. All railway and canal property rights belonging to Panama and needed for the canal pass to the United States, including any property of the respective companies in the cities of Panama and Colon; the works, property, and personnel of the canal and railways are exempted from taxation as well in the cities of Panama and Colon as in the canal zone and its dependencies. Free immigration of the personnel and importation of supplies for the construction and operation of the canal are granted. Provision is made for the use of military force and the building of fortifications by the United States for the protection of the transit. In other details, particularly as to the acquisition of the interests of the New Panama Canal Company and the Panama Railway by the United States and the condemnation of private property for the uses of the canal, the stipulations of the Hay-Herran treaty are closely followed, while the compensation to be given for these enlarged grants remains the same, being ten millions of dollars payable on exchange of ratifications; and, beginning nine years from that date, an annual payment of $250,000 during the life of the convention.

II

PRESIDENT ROOSEVELT'S MESSAGE TO THE CONGRESS—JANUARY 4, 1904.

I lay before the Congress for its information a statement of my action up to this time in executing the act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June 28, 1902.

By the said act the President was authorized to secure for the United States the property of the Panama Canal Company and the perpetual control of a strip six miles wide across the Isthmus of Panama. It was further provided that "should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia . . . within a reasonable time and upon reasonable terms, then the President" should endeavor to provide for a canal by the Nicaragua route. The language quoted defines with exactness and precision what was to be done, and what as a matter of fact has been done. The President was authorized to go to the Nicaragua route only if within a reasonable time he could not obtain "control of the necessary territory of the Republic of Colombia." This control has now been obtained; the provision of the act has

been complied with; it is no longer possible under existing legislation to go to the Nicaragua route as an alternative.

This act marked the climax of the effort on the part of the United States to secure, so far as legislation was concerned, an interoceanic canal across the Isthmus. The effort to secure a treaty for this purpose with one of the Central American republics did not stand on the same footing with the effort to secure a treaty under any ordinary conditions. The proper position for the United States to assume in reference to this canal, and therefore to the governments of the Isthmus, had been clearly set forth by Secretary Cass in 1858. In my Annual Message I have already quoted what Secretary Cass said; but I repeat the quotation here, because the principle it states is fundamental:

> While the rights of sovereignty of the States occupying this region (Central America) should always be respected, we shall expect that these rights be exercised in a spirit befitting the occasion and the wants and circumstances that have arisen. Sovereignty has its duties as well as its rights, and none of these local governments, even if administered with more regard to the just demands of other nations than they have been, would be permitted, in a spirit of Eastern isolation, to close the gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them, or, what is almost equivalent, to encumber them with such unjust relations as would prevent their general use.

The principle thus enunciated by Secretary Cass was sound then and it is sound now. The United States has taken the position that no other government is to build the canal. In 1889, when France proposed to come to the aid of the French Panama Company by guaranteeing their

strip of land; and it was expressly required that the "control" thus to be obtained should include "jurisdiction" to make police and sanitary regulations and to establish such judicial tribunals as might be agreed on for their enforcement. These were conditions precedent prescribed by the Congress; and for their fulfillment suitable stipulations were embodied in the treaty. It has been stated in public prints that Colombia objected to these stipulations, on the ground that they involved a relinquishment of her "sovereignty"; but in the light of what has taken place, this alleged objection must be considered as an afterthought. In reality, the treaty, instead of requiring a cession of Colombia's sovereignty over the canal strip, expressly acknowledged, confirmed, and preserved her sovereignty over it. The treaty in this respect simply proceeded on the lines on which all the negotiations leading up to the present situation have been conducted. In those negotiations the exercise by the United States, subject to the paramount rights of the local sovereign, of a substantial control over the canal and the immediately adjacent territory, has been treated as a fundamental part of any arrangement that might be made. It has formed an essential feature of all our plans, and its necessity is fully recognized in the Hay-Pauncefote treaty. The Congress, in providing that such control should be secured, adopted no new principle, but only incorporated in its legislation a condition the importance and propriety of which were universally recognized. During all the years of negotiation and discussion that preceded the conclusion of the Hay-Herran treaty, Colombia never intimated that the requirement by the United States of control over the

canal strip would render unattainable the construction of a canal by way of the Isthmus of Panama; nor were we advised, during the months when legislation of 1902 was pending before the Congress, that the terms which it embodied would render negotiations with Colombia impracticable. It is plain that no nation could construct and guarantee the neutrality of the canal with a less degree of control than was stipulated for in the Hay-Herran treaty. A refusal to grant such degree of control was necessarily a refusal to make any practicable treaty at all. Such refusal therefore squarely raised the question whether Colombia was entitled to bar the transit of the world's traffic across the Isthmus.

That the canal itself was eagerly demanded by the people of the locality through which it was to pass, and that the people of this locality no less eagerly longed for its construction under American control, are shown by the unanimity of action in the new Panama Republic. Furthermore, Colombia, after having rejected the treaty in spite of our protests and warnings when it was in her power to accept it, has since shown the utmost eagerness to accept the same treaty if only the *status quo* could be restored. One of the men standing highest in the official circles of Colombia, on November 6, addressed the American minister at Bogotá, saying that if the Government of the United States would land troops to preserve Colombian sovereignty and the transit, the Colombian Government would "declare martial law; and, by virtue of vested constitutional authority, when public order is disturbed, [would] approve by decree the ratification of the canal treaty as signed; or, if the Government of the United

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out, the question of "reasonable time" did not enter into the matter at all. Although, as the months went by, it became increasingly improbable that the Colombian Congress would ratify the treaty or take steps which would be equivalent thereto, yet all chance for such action on their part did not vanish until the Congress closed at the end of October; and within three days thereafter the revolution in Panama had broken out. Panama became an independent state, and the control of the territory necessary for building the canal then became obtainable. The condition under which alone we could have gone to Nicaragua thereby became impossible of fulfillment. If the pending treaty with Panama should not be ratified by the Senate this would not alter the fact that we could not go to Nicaragua. The Congress has decided the route, and there is no alternative under existing legislation.

When in August it began to appear probable that the Colombian Legislature would not ratify the treaty, it became incumbent upon me to consider well what the situation was and to be ready to advise the Congress as to what were the various alternatives of action open to us. There were several possibilities. One was that Colombia would at the last moment see the unwisdom of her position. That there might be nothing omitted, Secretary Hay, through the minister at Bogotá, repeatedly warned Colombia that grave consequences might follow from her rejection of the treaty. Although it was a constantly diminishing chance, yet the possibility of ratification did not wholly pass away until the close of the session of the Colombian Congress.

A second alternative was that by the close of the session

on the last day of October, without the ratification of the treaty by Colombia and without any steps taken by Panama, the American Congress on assembling early in December would be confronted with a situation in which there had been a failure to come to terms as to building the canal along the Panama route, and yet there had not been a lapse of reasonable time—using the word reasonable in any proper sense—such as would justify the Administration going to the Nicaragua route. This situation seemed on the whole the most likely, and as a matter of fact I had made the original draft of my Message to the Congress with a view to its existence.

It was the opinion of eminent international jurists that in view of the fact that the great design of our guarantee under the treaty of 1846 was to dedicate the Isthmus to the purposes of interoceanic transit, and above all to secure the construction of an interoceanic canal, Colombia could not under existing conditions refuse to enter into a proper arrangement with the United States to that end, without violating the spirit and substantially repudiating the obligations of a treaty the full benefits of which she had enjoyed for over fifty years. My intention was to consult the Congress as to whether under such circumstances it would not be proper to announce that the canal was to be dug forthwith; that we would give the terms that we had offered and no others; and that if such terms were not agreed to we would enter into an arrangement with Panama direct, or take what other steps were needful in order to begin the enterprise.

A third possibility was that the people of the Isthmus, who had formerly constituted an independent state, and

who until recently were united to Colombia only by a loose tie of federal relationship, might take the protection of their own vital interests into their own hands, reassert their former rights, declare their independence upon just grounds, and establish a government competent and willing to do its share in this great work for civilization. This third possibility is what actually occurred. Every one knew that it was a possibility, but it was not until toward the end of October that it appeared to be an imminent probability. Although the Administration, of course, had special means of knowledge, no such means were necessary in order to appreciate the possibility, and toward the end the likelihood, of such a revolutionary outbreak and of its success. It was a matter of common notoriety. Quotations from the daily papers could be indefinitely multiplied to show this state of affairs; a very few will suffice. From Costa Rica on August 31 a special was sent to the Washington *Post,* running as follows:

San José, Costa Rica,
August 31

Travelers from Panama report the Isthmus alive with fires of a new revolution. It is inspired, it is believed, by men who, in Panama and Colon, have systematically engendered the pro-American feeling to secure the building of the Isthmian Canal by the United States.

The Indians have risen, and the late followers of Gen. Benjamin Herrera are mustering in the mountain villages, preparatory to joining in an organized revolt, caused by the rejection of the canal treaty.

Hundreds of stacks of arms, confiscated by the Colombian Government at the close of the late revolution, have reappeared from some mysterious source, and thousands of rifles that look suspiciously like the Mausers the United States captured in Cuba are issuing to the gathering forces from central points of distribution. With the arms goes ammunition, fresh from fac-

tories, showing the movement is not spasmodic, but is carefully planned.

. . . . . .

The government forces in Panama and Colon, numbering less than 1,500 men, are reported to be a little more than friendly to the revolutionary spirit. They have been ill paid since the revolution closed, and their only hope of prompt payment is another war.

General Huertes, commander of the forces, who is ostensibly loyal to the Bogotá Government, is said to be secretly friendly to the proposed revolution. At least, all his personal friends are open in denunciation of the Bogotá Government and the failure of the Colombian Congress to ratify the canal treaty.

The consensus of opinion gathered from late arrivals from the Isthmus is that the revolution is coming, and that it will succeed.

A special dispatch to the Washington *Post*, under date of New York, September 1, runs as follows:

B. G. Duque, editor and proprietor of the Panama *Star and Herald*, a resident of the Isthmus during the past twenty-seven years, who arrived to-day in New York, declared that if the canal treaty fell through a revolution would be likely to follow.

"There is a very strong feeling in Panama," said Mr. Duque, "that Colombia, in negotiating the sale of a canal concession in Panama, is looking for profits that might just as well go to Panama herself.

"The Colombian Government, only the other day, suppressed a newspaper that dared to speak of independence for Panama. A while ago there was a secret plan afoot to cut loose from Colombia and seek the protection of the United States."

In the New York *Herald* of September 10 the following statement appeared:

Representatives of strong interests on the Isthmus of Panama, who make their headquarters in this city, are considering a plan of action to be undertaken in coöperation with men of similar views in Panama and Colon to bring about a revolution and form an independent government in Panama opposed to that in Bogotá.

There is much indignation on the Isthmus on account of the failure of the canal treaty, which is ascribed to the authorities at Bogotá. This opinion is believed to be shared by a majority of the Isthmians of all shades of political belief, and they think it is to their best interest for a new republic to be formed on the Isthmus, which may negotiate directly with the United States a new treaty which will permit the digging of the Panama Canal under favorable conditions.

In the New York *Times,* under date of September 13, there appeared from Bogotá the following statement:

A proposal made by Señor Perez y Sotos to ask the Executive to appoint an anti-secessionist governor in Panama has been approved by the Senate. Speakers in the Senate said that Señor Obaldía, who was recently appointed Governor of Panama, and who is favorable to a canal treaty, was a menace to the national integrity. Senator Marroquín protested against the action of the Senate.

President Marroquín succeeded later in calming the Congressmen. It appears that he was able to give them satisfactory reasons for Governor Obaldía's appointment. He appears to realize the imminent peril of the Isthmus of Panama declaring its independence.

Señor Deroux, representative for a Panama constituency, recently delivered a sensational speech in the House. Among other things he said:

"In Panama the bishops, governors, magistrates, military chiefs, and their subordinates have been and are foreign to the department. It seems that the government, with surprising tenacity, wishes to exclude the Isthmus from all participation in public affairs. As regards international dangers in the Isthmus, all I can say is that if these dangers exist they are due to the conduct of the national government, which is in the direction of reaction.

"If the Colombian Government will not take action with a view to preventing disaster, the responsibility will rest with it alone."

In the New York *Herald* of October 26 it was reported that a revolutionary expedition of about 70 men had actually landed on the Isthmus. In the Washington *Post* of October 29 it was reported from Panama that in

doubtless take place immediately after the closing of the Colombian Congress (at the end of October) if the canal treaty were not ratified. They were certain that the revolution would occur, and before leaving the Isthmus had made their own reckoning as to the time, which they had set down as being probably from three to four weeks after their leaving. The reason they set this as the probable inside limit of time was that they reckoned that it would be at least three or four weeks—say not until October 20—before a sufficient quantity of arms and munitions would have been landed.

In view of all these facts I directed the Navy Department to issue instructions such as would ensure our having ships within easy reach of the Isthmus in the event of need arising. Orders were given on October 19 to the *Boston* to proceed to San Juan del Sur, Nicaragua; to the *Dixie* to prepare to sail from League Island; and to the *Atlanta* to proceed to Guantanamo. On October 30 the *Nashville* was ordered to proceed to Colon. On November 2, when, the Colombian Congress having adjourned, it was evident that the outbreak was imminent, and when it was announced that both sides were making ready forces whose meeting would mean bloodshed and disorder, the Colombian troops having been embarked on vessels, the following instructions were sent to the commanders of the *Boston, Nashville,* and *Dixie:*

Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either government or insurgent, at any point within 50 miles of Panama. Government force reported approaching the Isthmus in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict.

These orders were delivered in pursuance of the policy on which our Government had repeatedly acted. This policy was exhibited in the following orders, given under somewhat similar circumstances last year, and the year before, and the year before that. The first two telegrams are from the Department of State to the consul at Panama:

July 25, 1900

You are directed to protest against any act of hostility which may involve or imperil the safe and peaceful transit of persons or property across the Isthmus of Panama. The bombardment of Panama would have this effect, and the United States must insist upon the neutrality of the Isthmus as guaranteed by the treaty.

November 20, 1901

Notify all parties molesting or interfering with free transit across the Isthmus that such interference must cease and that the United States will prevent the interruption of traffic upon the railroad. Consult with captain of the *Iowa*, who will be instructed to land marines, if necessary, for the protection of the railroad, in accordance with the treaty rights and obligations of the United States. Desirable to avoid bloodshed, if possible.

The next three telegrams are from and to the Secretary of the Navy:

September 12, 1902.

Ranger, Panama:

United States guarantees perfect neutrality of Isthmus and that a free transit from sea to sea be not interrupted or embarrassed. . . . Any transportation of troops which might contravene these provisions of treaty should not be sanctioned by you nor should use of road be permitted which might convert the line of transit into theater of hostility. MOODY.

COLON, September 20, 1902.

Secretary Navy, Washington:

Everything is conceded. The United States guards and guarantees traffic and the line of transit. To-day I permitted the ex-

change of Colombian troops from Panama to Colon, about 1,000 men each way, the troops without arms in train guarded by American naval force in the same manner as other passengers; arms and ammunition in separate train, guarded also by naval force in the same manner as other freight.

McLEAN.

PANAMA, October 3, 1902.

Secretary Navy, Washington, D. C.:

Have sent this communication to the American consul at Panama:

Inform Governor while trains running under United States protection I must decline transportation any combatants, ammunition, arms, which might cause interruption traffic or convert line of transit into theater hostilities.

CASEY.

On November 3 Commander Hubbard responded to the above-quoted telegram of November 2, 1903, saying that before the telegram had been received 400 Colombian troops from Cartagena had landed at Colon; that there had been no revolution on the Isthmus, but that the situation was most critical if the revolutionary leaders should act. On this same date the Associated Press in Washington received a bulletin stating that a revolutionary outbreak had occurred. When this was brought to the attention of the Assistant Secretary of State, Mr. Loomis, he prepared the following cablegram to the consul-general at Panama and the consul at Colon:

Uprising on Isthmus reported. Keep Department promptly and fully informed.

Before this telegram was sent, however, one was received from Consul Malmros at Colon, running as follows:

Revolution imminent. Government force on the Isthmus about 500 men. Their official promised support revolution. Fire de-

partment, Panama, 441, are well organized and favor revolution. Government vessel, *Cartagena,* with about 400 men, arrived early to-day with new commander-in-chief, Tobar. Was not expected until November 10. Tobar's arrival is not probable to stop revolution.

This cablegram was received at 2.35 P. M., and at 3.40 P. M. Mr. Loomis sent the telegram which he had already prepared to both Panama and Colon. Apparently, however, the consul-general at Panama had not received the information embodied in the Associated Press bulletin, upon which the Assistant Secretary of State based his dispatch; for his answer was that there was no uprising, although the situation was critical, this answer being received at 8.15 P. M. Immediately afterward he sent another dispatch, which was received at 9.50 P. M., saying that the uprising had occurred, and had been successful, with no bloodshed. The Colombian gunboat *Bogotá* next day began to shell the city of Panama, with the result of killing one Chinaman. The consul-general was directed to notify her to stop firing. Meanwhile, on November 4, Commander Hubbard notified the Department that he had landed a force to protect the lives and property of American citizens against the threats of the Colombian soldiery.

Before any step whatever had been taken by the United States troops to restore order, the commander of the newly landed Colombian troops had indulged in wanton and violent threats against American citizens, which created serious apprehension. As Commander Hubbard reported in his letter of November 5, this officer and his troops practically began war against the United States, and only the forbearance and coolness of our officers and

men prevented bloodshed. The letter of Commander Hubbard is of such interest that it deserves quotation in full, and runs as follows:

U. S. S. *Nashville*, THIRD RATE,
COLON, U. S. *Colombia*, November 5, 1903

Sir: Pending a complete report of the occurrences of the last three days in Colon, Colombia, I most respectfully invite the Department's attention to those of the date of Wednesday, November 4, which amounted to practically the making of war against the United States by the officer in command of the Colombian troops in Colon. At 1 o'clock P. M. on that date I was summoned on shore by a preconcerted signal, and on landing met the United States consul, vice-consul, and Colonel Shaler, the general superintendent of the Panama Railroad. The consul informed me that he had received notice from the officer commanding the Colombian troops, Colonel Torres, through the prefect of Colon, to the effect that if the Colombian officers, Generals Tobal and Amaya, who had been seized in Panama on the evening of the 3d of November by the Independents and held as prisoners, were not released by 2 o'clock P. M., he, Torres, would open fire on the town of Colon and kill every United States citizen in the place, and my advice and action were requested. I advised that all the United States citizens should take refuge in the shed of the Panama Railroad Company, a stone building susceptible of being put into good state for defense, and that I would immediately land such body of men with extra arms for arming the citizens, as the complement of the ship would permit. This was agreed to, and I immediately returned on board, arriving at 1.15 P. M. The order for landing was immediately given, and at 1.30 P. M. the boats left the ship with a party of 42 men under the command of Lieut.-Commander H. M. Witzel, with Midshipman J. P. Jackson as second in command. Time being pressing I gave verbal orders to Mr. Witzel to take the building above referred to, to put it into the best state of defense possible, and protect the lives of the citizens assembled there—not firing unless fired upon. The women and children took refuge on the German steamer *Marcomania* and Panama Railroad steamer *City of Washington*, both ready to haul out from dock if necessary. The *Nashville* I got under way and patrolled with her along the water front close in and ready to use either small-arm or shrapnel fire. The Colombians surrounded the building

of the railroad company almost immediately after we had taken possession, and for about one and a half hours their attitude was most threatening, it being seemingly their purpose to provoke an attack. Happily our men were cool and steady, and, while the tension was very great, no shot was fired. At about 3.15 P. M. Colonel Torres came into the building for an interview and expressed himself as most friendly to Americans, claiming that the whole affair was a misapprehension and that he would like to send the alcalde of Colon to Panama to see General Tobal and have him direct the discontinuance of the show of force. A special train was furnished and safe conduct guaranteed. At about 5.30 P. M. Colonel Torres made the proposition of withdrawing his troops to Monkey Hill, if I would withdraw the *Nashville's* force and leave the town in possession of the police until the return of the alcalde on the morning of the 5th. After an interview with the United States consul and Colonel Shaler as to the probability of good faith in the matter, I decided to accept the proposition and brought my men on board, the disparity in numbers between my force and that of the Colombians, nearly ten to one, making me desirous of avoiding a conflict so long as the object in view, the protection of American citizens, was not imperiled.

I am positive that the determined attitude of our men, their coolness and evident intention of standing their ground, had a most salutary and decisive effect on the immediate situation, and was the initial step in the ultimate abandoning of Colon by these troops and their return to Cartagena the following day. Lieutenant-Commander Witzel is entitled to much praise for his admirable work in command on the spot.

I feel that I can not sufficiently strongly represent to the Department the grossness of this outrage and the insult to our dignity, even apart from the savagery of the threat.

Very respectfully,

JOHN HUBBARD,
Commander, U. S. Navy, Commanding.

THE SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

In his letter of November 8 Commander Hubbard sets forth the facts more in detail:

U. S. S. *Nashville*, Third Rate,
Porto Bello, U. S. *Colombia*, November 8, 1903

Sir: 1. I have the honor to make the following report of the occurrences which took place at Colon and Panama in the interval between the arrival of the *Nashville* at Colon on the evening of November 2, 1903, and the evening of November 5, 1903, when by the arrival of the U. S. S. *Dixie* at Colon I was relieved as senior officer by Commander F. H. Delano, U. S. Navy.

2. At the time of the arrival of the *Nashville* at Colon at 5.30 P. M. on November 2, everything on the Isthmus was quiet. There was talk of proclaiming the independence of Panama, but no definite action had been taken and there had been no disturbance of peace and order. At daylight on the morning of November 3, it was found that a vessel which had come in during the night was the Colombian gunboat *Cartagena* carrying between 400 and 500 troops. I had her boarded and learned that these troops were for the garrison at Panama. Inasmuch as the Independent party had not acted and the Government of Colombia was at the time in undisputed control of the Province of Panama, I did not feel, in the absence of any instructions, that I was justified in preventing the landing of these troops, and at 8.30 o'clock they were disembarked. The commanding officers, Generals Amaya and Tobal, with four others, immediately went over to Panama to make arrangements for receiving and quartering their troops, leaving the command in charge of an officer whom I later learned to be Colonel Torres. The Department's message addressed to the care of the United States consul I received at 10.30 A. M.; it was delivered to one of the ship's boats while I was at the consul's and not to the consul as addressed. The message was said to have been received at the cable office at 9.30 A. M. Immediately on deciphering the message I went on shore to see what arrangements the railroad company had made for the transportation of these troops to Panama, and learned that the company would not transport them except on request of the Governor of Panama, and that the prefect at Colon and the officer left in command of the troops had been so notified by the general superintendent of the Panama Railroad Company. I remained at the company's office until it was sure that no action on my part would be needed to prevent the transportation of the troops that afternoon, when I returned on board and cabled the Department the situation of affairs. At about 5.30 P. M. I again went on shore, and received notice from the general superintendent of the railroad that he

had received the request for the transportation of the troops and that they would leave on the 8 A. M. train on the following day. I immediately went to see the general superintendent, and learned that it had just been announced that a provisional government had been established at Panama—that Generals Amaya and Tobal, the Governor of Panama, and four officers, who had gone to Panama in the morning, had been seized and were held as prisoners; that they had an organized force of 1,500 troops and wished the government troops in Colon to be sent over. This I declined to permit, and verbally prohibited the general superintendent from giving transportation to the troops of either party.

It being then late in the evening, I sent early in the morning of November 4 written notification to the general superintendent of the Panama Railroad, to the prefect of Colon, and to the officer left in command of the Colombian troops, later ascertained to be Colonel Torres, that I had prohibited the transportation of troops in either direction, in order to preserve the free and uninterrupted transit of the Isthmus. Copies of these letters are hereto appended; also copy of my notification to the consul. Except to a few people, nothing was known in Colon of the proceedings in Panama until the arrival of the train at 10.45 on the morning of the 4th. Some propositions were, I was later told, made to Colonel Torres by the representatives of the new Government at Colon, with a view to inducing him to reëmbark in the *Cartagena* and return to the port of Cartagena, and it was in answer to this proposition that Colonel Torres made the threat and took the action reported in my letter No. 96, of November 5, 1903. The *Cartagena* left the port just after the threat was made, and I did not deem it expedient to attempt to detain her, as such action would certainly, in the then state of affairs, have precipitated a conflict on shore which I was not prepared to meet. It is my understanding that she returned to Cartagena. After the withdrawal of the Colombian troops on the evening of November 4, and the return of the *Nashville's* force on board, as reported in my letter No. 96, there was no disturbance on shore, and the night passed quietly. On the morning of the 5th I discovered that the commander of the Colombian troops had not withdrawn so far from the town as he had agreed, but was occupying buildings near the outskirts of the town. I immediately inquired into the matter and learned that he had some trivial excuse for not carrying out his agreement, and also that it was his intention to occupy Colon again on the arrival of the alcalde due at 10.45 A. M., unless Gen-

eral Tobal sent word by the alcalde that he, Colonel Torres, should withdraw. That General Tobal had declined to give any instructions I was cognizant of, and the situation at once became quite as serious as on the day previous. I immediately landed an armed force, reoccupied the same building; also landed two 1-pounders and mounted them on platform cars behind protection of cotton bales, and then in company with the United States consul had an interview with Colonel Torres, in the course of which I informed him that I had relanded my men because he had not kept his agreement; that I had no interest in the affairs of either party; that my attitude was strictly neutral; that the troops of neither side should be transported; that my sole purpose in landing was to protect the lives and property of American citizens if threatened, as they had been threatened, and to maintain the free and uninterrupted transit of the Isthmus, and that purpose I should maintain by force if necessary. I also strongly advised that in the interests of peace, and to prevent the possibility of a conflict that could not but be regrettable, he should carry out his agreement of the previous evening and withdraw to Monkey Hill.

Colonel Torres's only reply was that it was unhealthy at Monkey Hill, a reiteration of his love of Americans, and persistence in his intention to occupy Colon, should General Tobal not give him directions to the contrary.

On the return of the alcalde at about 11 A. M. the Colombian troops marched into Colon, but did not assume the threatening demeanor of the previous day. The American women and children again went on board the *Marcomania* and *City of Washington*, and through the British vice-consul I offered protection to British subjects as directed in the Department's cablegram. A copy of the British vice-consul's acknowledgment is hereto appended. The *Nashville* I got under way as on the previous day and moved close in to protect the water front. During the afternoon several propositions were made to Colonel Torres by the representatives of the new government, and he was finally persuaded by them to embark on the Royal Mail steamer *Orinoco* with all his troops and return to Cartagena. The *Orinoco* left her dock with the troops —474 all told—at 7.35 P. M. The *Dixie* arrived and anchored at 7.05 P. M., when I went on board and acquainted the commanding officer with the situation. A portion of the marine battalion was landed and the *Nashville's* force withdrawn.

3. On the evening of November 4 Major William M. Black and Lieut. Mark Brooke, Corps of Engineers, U. S. Army, came

to Colon from Culebra and volunteered their services, which were accepted, and they rendered very efficient help on the following day.

4. I beg to assure the Department that I had no part whatever in the negotiations that were carried on between Colonel Torres and the representatives of the provisional government; that I landed an armed force only when the lives of American citizens were threatened, and withdrew this force as soon as there seemed to be no grounds for further apprehension of injury to American lives or property; that I relanded an armed force because of the failure of Colonel Torres to carry out his agreement to withdraw and announced intention of returning, and that my attitude throughout was strictly neutral as between the two parties, my only purpose being to protect the lives and property of American citizens and to preserve the free and uninterrupted transit of the Isthmus.

Very respectfully,
(Signed) JOHN HUBBARD,
Commander, U. S. Navy, Commanding.

THE SECRETARY OF THE NAVY,
Bureau of Navigation, Navy Department,
Washington, D. C.

This plain official account of the occurrences of November 4 shows that, instead of there having been too much prevision by the American Government for the maintenance of order and the protection of life and property on the Isthmus, the orders for the movement of the American warships had been too long delayed; so long, in fact, that there were but forty-two marines and sailors available to land and protect the lives of American men and women. It was only the coolness and gallantry with which this little band of men wearing the American uniform faced ten times their number of armed foes, bent on carrying out the atrocious threat of the Colombian commander, that prevented a murderous catastrophe. At Panama, when the revolution broke out, there was no

I hesitate to refer to the injurious insinuations which have been made of complicity by this government in the revolutionary movement in Panama. They are as destitute of foundation as of propriety. The only excuse for my mentioning them is the fear lest unthinking persons might mistake for acquiescence the silence of mere self-respect. I think proper to say, therefore, that no one connected with this Government had any part in preparing, inciting, or encouraging the late revolution on the Isthmus of Panama, and that save from the reports of our military and naval officers, given above, no one connected with this Government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs.

By the unanimous action of its people, without the firing of a shot—with a unanimity hardly before recorded in any similar case—the people of Panama declared themselves an independent republic. Their recognition by this Government was based upon a state of facts in no way dependent for its justification upon our action in ordinary cases. I have not denied, nor do I wish to deny, either the validity or the propriety of the general rule that a new state should not be recognized as independent till it has shown its ability to maintain its independence. This rule is derived from the principle of non-intervention, and as a corollary of that principle has generally been observed by the United States. But, like the principle from which it is deduced, the rule is subject to exceptions; and there are in my opinion clear and imperative reasons why a departure from it was justified and even

required in the present instance. These reasons embrace, first, our treaty rights; second, our national interests and safety; and, third, the interests of collective civilization.

I have already adverted to the treaty of 1846, by the thirty-fifth article of which the United States secured the right to a free and open transit across the Isthmus of Panama, and to that end agreed to guarantee to New Granada her rights of sovereignty and property over that territory. This article is sometimes discussed as if the latter guarantee constituted its sole object and bound the United States to protect the sovereignty of New Granada against domestic revolution. Nothing, however, could be more erroneous than this supposition. That our wise and patriotic ancestors, with all their dread of entangling alliances, would have entered into a treaty with New Granada solely or even primarily for the purpose of enabling that remnant of the original Republic of Colombia, then resolved into the States of New Granada, Venezuela, and Ecuador, to continue from Bogotá to rule over the Isthmus of Panama, is a conception that would in itself be incredible, even if the contrary did not clearly appear. It is true that since the treaty was made the United States has again and again been obliged forcibly to intervene for the preservation of order and the maintenance of an open transit, and that this intervention has usually operated to the advantage of the titular Government of Colombia, but it is equally true that the United States in intervening with or without Colombia's consent, for the protection of the transit, has disclaimed any duty to defend the Colombian Government against

domestic insurrection or against the erection of an independent government on the Isthmus of Panama. The attacks against which the United States engaged to protect New Granadian sovereignty were those of foreign powers; but this engagement was only a means to the accomplishment of a yet more important end. The great design of the article was to assure the dedication of the Isthmus to the purposes of free and unobstructed interoceanic transit, the consummation of which would be found in an interoceanic canal. To the accomplishment of this object the Government of the United States had for years directed its diplomacy. It occupied a place in the instructions to our delegates to the Panama Congress during the Administration of John Quincy Adams. It formed the subject of a resolution of the Senate in 1835, and of the House of Representatives in 1839. In 1846 its importance had become still more apparent by reason of the Mexican war. If the treaty of 1846 did not in terms bind New Granada to grant reasonable concessions for the construction of means of interoceanic communication, it was only because it was not imagined that such concessions would ever be withheld. As it was expressly agreed that the United States, in consideration of its onerous guarantee of New Granadian sovereignty, should possess the right of free and open transit on any modes of communication that might be constructed, the obvious intent of the treaty rendered it unnecessary, if not superfluous, in terms to stipulate that permission for the construction of such modes of communication should not be denied.

Long before the conclusion of the Hay-Herran treaty

the course of events had shown that a canal to connect the Atlantic and Pacific Oceans must be built by the United States or not at all. Experience had demonstrated that private enterprise was utterly inadequate for the purpose; and a fixed policy, declared by the United States on many memorable occasions, and supported by the practically unanimous voice of American opinion, had rendered it morally impossible that the work should be undertaken by European powers, either singly or in combination. Such were the universally recognized conditions on which the legislation of the Congress was based, and on which the late negotiations with Colombia were begun and concluded. Nevertheless, when the well-considered agreement was rejected by Colombia and the revolution on the Isthmus ensued, one of Colombia's first acts was to invoke the intervention of the United States; nor does her invitation appear to have been confined to this Government alone. By a telegram from Mr. Beaupré, our minister at Bogotá, of the 7th of November last, we were informed that General Reyes would soon leave Panama invested with full powers; that he had telegraphed the President of Mexico to ask the Government of the United States and all countries represented at the Pan-American Conference "to aid Colombia to preserve her integrity"; and that he had requested that the Government of the United States should meanwhile "preserve the neutrality and transit of the Isthmus" and should "not recognize the new government." In another telegram from Mr. Beaupré, which was sent later in the day, this Government was asked whether it would take action "to maintain Colombian right and sovereignty on

the Isthmus in accordance with article 35 [of] the Treaty of 1846" in case the Colombian Government should be "entirely unable to suppress the secession movement there." Here was a direct solicitation to the United States to intervene for the purpose of suppressing, contrary to the Treaty of 1846 as this Government has uniformly construed it, a new revolt against Colombia's authority brought about by her own refusal to permit the fulfillment of the great design for which that treaty was made. It was under these circumstances that the United States, instead of using its forces to destroy those who sought to make the engagements of the treaty a reality, recognized them as the proper custodians of the sovereignty of the Isthmus.

This recognition was, in the second place, further justified by the highest considerations of our national interests and safety. In all the range of our international relations I do not hesitate to affirm that there is nothing of greater or more pressing importance than the construction of an interoceanic canal. Long acknowledged to be essential to our commercial development, it has become, as the result of the recent extension of our territorial dominion, more than ever essential to our national self-defense. In transmitting to the Senate the Treaty of 1846, President Polk pointed out as the principal reason for its ratification that the passage of the Isthmus, which it was designed to secure, "would relieve us from a long and dangerous navigation of more than 9,000 miles around Cape Horn, and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy." The events of the past five

years have given to this consideration an importance immeasurably greater than it possessed in 1846. In the light of our present situation, the establishment of easy and speedy communication by sea between the Atlantic and the Pacific presents itself not simply as something to be desired, but as an object to be positively and promptly attained. Reasons of convenience have been superseded by reasons of vital necessity, which do not admit of indefinite delays.

To such delays the rejection by Colombia of the Hay-Herran treaty directly exposed us. As proof of this fact I need only refer to the program outlined in the report of the majority of the Panama Canal Committee, read in the Colombian Senate on the 14th of October last. In this report, which recommended that the discussion of a law to authorize the government to enter upon new negotiations should be indefinitely postponed, it is proposed that the consideration of the subject should be deferred till October 31, 1904, when the next Colombian Congress should have met in ordinary session. By that time, as the report goes on to say, the extension of time granted to the New Panama Canal Company by treaty in 1893 would have expired, and the new Congress would be in a position to take up the question whether the company had not, in spite of further extensions that had been granted by legislative acts, forfeited all its property and rights. "When that time arrives," the report significantly declares, "the Republic, without any impediment, will be able to contract, and will be in more clear, more definite, and more advantageous possession, both legally and materially." The naked meaning of this

report is that Colombia proposed to wait until, by the enforcement of a forfeiture repugnant to the ideas of justice which obtain in every civilized nation, the property and rights of the New Panama Canal Company could be confiscated.

Such is the scheme to which it was proposed that the United States should be invited to become a party. The construction of the canal was to be relegated to the indefinite future, while Colombia was, by reason of her own delay, to be placed in the "more advantageous" position of claiming not merely the compensation to be paid by the United States for the privilege of completing the canal, but also the forty millions authorized by the act of 1902 to be paid for the property of the New Panama Canal Company. That the attempt to carry out this scheme would have brought Colombia into conflict with the Government of France can not be doubted; nor could the United States have counted upon immunity from the consequences of the attempt, even apart from the indefinite delays to which the construction of the canal was to be subjected. On the first appearance of danger to Colombia, this Government would have been summoned to interpose, in order to give effect to the guarantees of the Treaty of 1846; and all this in support of a plan which, while characterized in its first stage by the wanton disregard of our own highest interests, was fitly to end in further injury to the citizens of a friendly nation, whose enormous losses in their generous efforts to pierce the Isthmus have become a matter of history.

In the third place, I confidently maintain that the recognition of the Republic of Panama was an act justified

by the interests of collective civilization. If ever a government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the interoceanic canal. Since our purpose to build the canal was definitely announced, there have come from all quarters assurances of approval and encouragement, in which even Colombia herself at one time participated; and to general assurances were added specific acts and declarations. In order that no obstacle might stand in our way, Great Britain renounced important rights under the Clayton-Bulwer treaty and agreed to its abrogation, receiving in return nothing but our honorable pledge to build the canal and protect it as an open highway. It was in view of this pledge, and of the proposed enactment by the Congress of the United States of legislation to give it immediate effect, that the second Pan-American Conference, at the City of Mexico, on January 22, 1902, adopted the following resolution:

> The Republics assembled at the International Conference of Mexico applaud the purpose of the United States Government to construct an interoceanic canal, and acknowledge that this work will not only be worthy of the greatness of the American people, but also in the highest sense a work of civilization, and to the greatest degree beneficial to the development of commerce between the American States and the other countries of the world.

Among those who signed this resolution on behalf of their respective governments was General Reyes, the delegate of Colombia. Little could it have been foreseen that two years later the Colombian Government, led astray by false allurements of selfish advantage, and

forgetful alike of its international obligations and of the duties and responsibilities of sovereignty, would thwart the efforts of the United States to enter upon and complete a work which the nations of America, reëchoing the sentiment of the nations of Europe, had pronounced to be not only "worthy of the greatness of the American people," but also "in the highest sense a work of civilization."

That our position as the mandatory of civilization has been by no means misconceived is shown by the promptitude with which the powers have, one after another, followed our lead in recognizing Panama as an independent State. Our action in recognizing the new republic has been followed by like recognition on the part of France, Germany, Denmark, Russia, Sweden, and Norway, Nicaragua, Peru, China, Cuba, Great Britain, Italy, Costa Rica, Japan, and Austria-Hungary.

In view of the manifold considerations of treaty right and obligation, of national interest and safety, and of collective civilization, by which our Government was constrained to act, I am at a loss to comprehend the attitude of those who can discern in the recognition of the Republic of Panama only a general approval of the principle of "revolution" by which a given government is overturned or one portion of a country separated from another. Only the amplest justification can warrant a revolutionary movement of either kind. But there is no fixed rule which can be applied to all such movements. Each case must be judged on its own merits. There have been many revolutionary movements, many movements for the dismemberment of countries, which were evil,

tried by any standard. But in my opinion no disinterested and fair-minded observer acquainted with the circumstances can fail to feel that Panama had the amplest justification for separation from Colombia under the conditions existing, and, moreover, that its action was in the highest degree beneficial to the interests of the entire civilized world by securing the immediate opportunity for the building of the interoceanic canal. It would be well for those who are pessimistic as to our action in peacefully recognizing the Republic of Panama, while we lawfully protected the transit from invasion and disturbance, to recall what has been done in Cuba, where we intervened even by force on general grounds of national interest and duty. When we interfered it was freely prophesied that we intended to keep Cuba and administer it for our own interests. The result has demonstrated in singularly conclusive fashion the falsity of these prophecies. Cuba is now an independent republic. We governed it in its own interests for a few years, till it was able to stand alone, and then started it upon its career of self-government and independence, granting it all necessary aid. We have received from Cuba a grant of two naval stations, so situated that they in no possible way menace the liberty of the island, and yet serve as important defenses for the Cuban people, as well as for our own people, against possible foreign attack. The people of Cuba have been immeasurably benefited by our interference in their behalf, and our own gain has been great. So will it be with Panama. The people of the Isthmus, and as I firmly believe of the adjacent parts of Central and South America, will be greatly benefited by

the building of the canal and the guarantee of peace and order along its line; and hand in hand with the benefit to them will go the benefit to us and to mankind. By our prompt and decisive action, not only have our interests and those of the world at large been conserved, but we have forestalled complications which were likely to be fruitful in loss to ourselves, and in bloodshed and suffering to the people of the Isthmus.

Instead of using our forces, as we were invited by Colombia to do, for the twofold purpose of defeating our own rights and interests and the interests of the civilized world, and of compelling the submission of the people of the Isthmus to those whom they regarded as oppressors, we shall, as in duty bound, keep the transit open and prevent its invasion. Meanwhile, the only question now before us is that of the ratification of the treaty. For it is to be remembered that a failure to ratify the treaty will not undo what has been done, will not restore Panama to Colombia, and will not alter our obligation to keep the transit open across the Isthmus, and to prevent any outside power from menacing this transit.

It seems to have been assumed in certain quarters that the proposition that the obligations of article 35 of the treaty of 1846 are to be considered as adhering to and following the sovereignty of the Isthmus, so long as that sovereignty is not absorbed by the United States, rests upon some novel theory. No assumption could be further from the fact. It is by no means true that a state in declaring its independence rids itself of all the treaty obligations entered into by the parent government. It is a mere coincidence that this question was once raised in

a case involving the obligations of Colombia as an independent state under a treaty which Spain had made with the United States many years before Spanish-American independence. In that case Mr. John Quincy Adams, Secretary of State, in an instruction to Mr. Anderson, our minister to Colombia, of May 27, 1823, said:

> By a treaty between the United States and Spain concluded at a time when Colombia was a part of the Spanish dominions . . . the principle that free ships make free goods was expressly recognized and established. It is asserted that by her declaration of independence Colombia has been entirely released from all the obligations by which, as a part of the Spanish nation, she was bound to other nations. This principle is not tenable. To all the engagements of Spain with other nations, affecting their rights and interests, Colombia, so far as she was affected by them, remains bound in honor and in justice. The stipulation now referred to is of that character.

The principle thus asserted by Mr. Adams was afterward sustained by an international commission in respect to the precise stipulation to which he referred; and a similar position was taken by the United States with regard to the binding obligation upon the independent State of Texas of commercial stipulations embodied in prior treaties between the United States and Mexico when Texas formed a part of the latter country. But in the present case it is unnecessary to go so far. Even if it be admitted that prior treaties of a political and commercial complexion generally do not bind a new state formed by separation, it is undeniable that stipulations having a local application to the territory embraced in the new state continue in force and are binding upon the new sovereign. Thus it is on all hands conceded that treaties

relating to boundaries and to rights of navigation continue in force without regard to changes in government or in sovereignty. This principle obviously applies to that part of the treaty of 1846 which relates to the Isthmus of Panama.

In conclusion let me repeat that the question actually before this Government is not that of the recognition of Panama as an independent republic. That is already an accomplished fact. The question, and the only question, is whether or not we shall build an Isthmian Canal.

I transmit herewith copies of the latest notes from the minister of the Republic of Panama to this Government, and of certain notes which have passed between the special envoy of the Republic of Colombia and this Government.

THE END

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